

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

2016 AUG 26 P 12:52

IN RE:

David W. Tidd :
Former Magisterial District Judge :
Magisterial District 03-2-04 : 3 JD 2016
Third Judicial District :
Northampton County :

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

TO: DAVID W. TIDD

You are hereby notified that the Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, § 17(b) and the Administration of Justice and Disrepute Clauses of § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, Rules 2A, 3A, 4B, 4C, 4D, 8A(1) and 14A of the Old Rules Governing Standards of Conduct of Magisterial District Judges and Rules 1.2, 2.4(B), 2.4(C), 2.6(A), 2.8(A), 2.8(B), 2.9(A) 2.11(A)(1), 2.16(B) and 3.10(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than

thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 411.

You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.

COMPLAINT

AND NOW, this 26th day of August, 2016, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Board Complaint against the Honorable David W. Tidd, former Magisterial District Judge for Magisterial District 03-2-04 of Northampton County, Pennsylvania, alleging that Judge Tidd has violated the Rules Governing Standards of Conduct of Magisterial District Judges and Article V, § § 17(b) and 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.

2. From January 4, 2010 through July 25, 2016, Judge Tidd served as Judge of Magisterial District Court No. 03-2-04.

3. On July 25, 2016, Judge Tidd resigned from his position as Magisterial District Judge.

4. Based on Confidential Requests for Investigation at JCB File Nos. 2014-510, 2015-227, 2015-237, 2015-285, 2015-286, and 2015-421, the Board investigated the instant matter.

5. As a result of its investigation, and pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there is probable cause to file formal charges against Judge Tidd in this Court.

6. Some of the alleged judicial misconduct occurred prior to December 1, 2014 and therefore, the Old Rules Governing Standards of Conduct of Magisterial District Judges (R.G.S.C.M.D.J.) apply to those allegations of misconduct.

7. Some of the alleged judicial misconduct occurred after November 30, 2014 and therefore, the New R.G.S.C.M.D.J. apply to those allegations of misconduct.

A. Retaliation

8. On August 11, 2011, former President Judge Kimberly J. McFadden and two Northampton County Court Administrators, Jill Cicero and Debra French, met with Judge Tidd to discuss an anonymous complaint filed against him. Judge Tidd stated that he suspected his court staff sent the anonymous complaint. Former President Judge McFadden cautioned Judge Tidd not to retaliate against his court clerks.

9. In the afternoon of April 23, 2015, Judge Tidd entered the district court, locked the front door and told his court clerks to sit down. Judge Tidd "ranted" at his court clerks for 30 minutes about complaints filed against him with the Judicial Conduct Board. He questioned them about who filed the complaints and asked who among them had communicated about court business with David Repyneck, his political opponent for the position of magisterial district judge in the upcoming Primary Election.

10. On the morning of May 19, 2015, Primary Election Day, Judge Tidd cursed and yelled at one of his district court clerks for scheduling hearings on that day when he planned to take it off to campaign at the polls. Judge Tidd believed that the court clerk purposefully ignored his request to clear the calendar for that day. He

also suspected that she had filed a complaint against him with the Judicial Conduct Board.

11. On June 17, 2015, Judge Tidd repeatedly asked one of his court clerks what she knew about the Judicial Conduct Board's investigation and posed the following questions:

- a. Did anyone call her about the Board's investigation?
- b. Did another member of his court staff drag her into "the plot to ruin my life?" and
- c. Did she want to change her answers?

12. In his June 18, 2015 email to Northampton County Deputy Court Administrator Debra French, Judge Tidd wrote:

"I am requesting the immediate removal of [court clerk] from my Court as it has come to my attention that she has taken part in filing a complaint against me with the Judicial Conduct Board."

13. On June 18, 2015, Northampton Court Administration arranged for the transfer of the court clerk referred to in Paragraph No. 10 from Judge Tidd's district court to another Northampton County magisterial district court.

14. On or about June 22, 2015, Judge Tidd told a member of his current court staff that he had requested the transfer of the court clerk referred to in Paragraph No. 10 out of his district court because he "couldn't even look at her anymore" without feeling sick.

15. On or about June 22, 2015, Judge Tidd told a member of his current court staff that she was not permitted to communicate with the recently transferred court clerk referred to in Paragraph No. 10.

16. By his same June 18, 2015 email to Deputy Court Administrator French, Judge Tidd requested that his former court clerk, who retired December 2014 and now serves as a floater court clerk, "not be assigned to this court until further notice as I believe she took part in the filing of the [Board] complaint as well."

17. On or about June 22, 2015, Judge Tidd told a member of his current court staff that she was not permitted to call the court clerk who had retired from her position at his district court in December, 2014.

18. On the afternoon of February 19, 2016, after receiving a copy of the Board's Notice of Full Investigation of the same date, Judge Tidd went to his district court and confronted one of his court clerks about her cooperation with the Board's investigation. Judge Tidd yelled at the clerk and called her a liar.

19. At 9 a.m. on a morning soon after his receipt of the Board's February 19, 2016 Notice of Full Investigation, Judge Tidd placed a telephone call from his personal cell phone to Hellertown Police Corporal Jeffrey Johnston whose name appeared in the Notice of Full Investigation. During the phone call, Judge Tidd stated that he was aware that Corporal Johnston and Officer Michael Dattilio had cooperated with the Board's investigation. Judge Tidd asked Corporal Johnston, "Did I ever do wrong to you?"

20. On that same morning in February 2016, soon after Judge Tidd received the Board's Notice of Full Investigation, Judge Tidd drove to the Hellertown Police Department and asked to meet with Chief of Police Robert Shupp. Judge Tidd queried, "Do you have any specific issue with the way my court is being run?"

21. On May 8, 2016, Judge Tidd sent an email communication to Deputy Court Administrator French, requesting "the immediate transfer" of two of his current clerks. Judge Tidd claimed that one of the clerks was a witness for, and cooperating with the Board and both clerks were "insubordinate."

B. Improper Demeanor

22. Beginning in or about 2011 and continuing through February 2016, Judge Tidd frequently treated his court clerks in a disrespectful manner in the reception area of his district court, often in front of police officers, attorneys, litigants and other members of the public.

23. Beginning in or about 2011 and continuing through February 2016, Judge Tidd belittled, cursed and yelled at his court clerks in the reception area of his district court, often in front of police officers, attorneys, litigants and other members of the public.

24. On multiple occasions beginning in or about 2011 and continuing through February 2016, Judge Tidd used the words "fuck," "bitch," "fucker" and "mother fucker" when speaking to, or when in the presence of, his court clerks.

25. On multiple occasions between September 2015 and February 2016, Judge Tidd asked one of his court clerks, who had responded quickly to his statements, "Why are you acting like a bitch?" Judge Tidd posed this question in front of his other court clerks.

26. Beginning on or about January 23, 2012 and continuing through February 2016, Judge Tidd made crude, disrespectful comments about litigants who appeared at his district court, in front of his court clerks, police officers, attorneys and other members of the public.

27. Between 2012 and 2015, Lower Saucon Police Officer Daniel Bencsics, Hellertown Borough Police Officer Timothy Piotrowski and Slate Belt Regional Police Officer Matthew Messinger, observed Judge Tidd yell and scream at members of his district court staff on multiple occasions.

28. On August 11, 2011, former President Judge McFadden and Court Administrators Cicero and French, met with Judge Tidd to discuss an anonymous complaint filed against him. The complaint identified a potential conflict of interest arising from his legal representation of Maria Nieves in an enforcement of judgment case in the Court of Common Pleas. Judge Tidd had entered judgment in the same case involving failure to pay condominium fees in his district court. *Society Hill v. Nieves*, Docket No. MJ-03204-CV-0000134-2010. Additionally, Judge Tidd's law firm provided legal representation in a bankruptcy matter for Ms. Nieves in federal bankruptcy court. During the meeting, Judge Tidd stated that he suspected his court staff sent the anonymous complaint. Former President Judge McFadden cautioned Judge Tidd not to retaliate against his court clerks.

29. Beginning in 2011 and on at least three occasions, court clerks assigned to Judge Tidd's district court complained to Northampton County Court Administrators about his behavior toward them and his improper methods of conducting district court business. The court clerks requested that they not be identified as the complainants. The Court Administrators advised them to file a complaint with an ethics committee.

30. Based on their communications with the Court Administrators, on or about November 9, 2011, Judge Tidd's court clerks began documenting his behavior toward them and the manner in which he conducted the business of the court.

31. On January 18, 2012, Deputy Court Administrator French met with the court clerks assigned to Judge Tidd's district court and, after listening to their concerns, advised the clerks to continue to keep a log to memorialize Judge Tidd's "behavior/improprieties."

32. In compliance with the instruction of Deputy Court Administrator French, Judge Tidd's court clerks continued to document, in a detailed log format, Judge Tidd's behavior toward them and the perceived improprieties in the way he conducted the business of the court.

33. During a second meeting with Judge Tidd, sometime prior to February 2012, former President Judge McFadden and Northampton County Court Administrators expressed concerns to Judge Tidd about his performance of his judicial duties at his district court and the need for change.

34. On January 23, 2012, a defendant appeared for a hearing at Judge Tidd's court without first filing a Notice to Defend. As a result, the hearing had to be rescheduled so that the plaintiff would have the opportunity to appear at the proceeding. *Sterling Jewelers, Inc. v. Echenberg*, MJ-03204-CV-0000188-2011. After the defendant left the court, Judge Tidd commented in front of his court clerks and a local landlord, Jonathan Hill, who was present for a separate landlord-tenant hearing, "She's as dumb as a fucking pile of dirt."

35. On January 25, 2012, Detective Benton contacted Judge Tidd's district court and stated that he needed to present a search warrant to Judge Tidd for his signature. At 1:15 p.m., one of Judge Tidd's court clerks called him at his law offices and requested that he come to the court to sign the search warrant for Detective Benton. Judge Tidd said to the court clerk, "What a fucking dick. Call me when he

gets there and I'll be there in 2 minutes." Upon his arrival at the court, Judge Tidd attempted to sign the search warrant for Detective Benton. When the first pen he tried to use did not work, Judge Tidd threw the pen and screamed, "Fucking son of a bitch!" When the second pen also did not work properly, Judge Tidd threw that pen and screamed, "Fucking shit!" Detective Benton, a typewriter repairman and the court clerks observed Judge Tidd's behavior concerning the pens in the reception area of his district court.

36. On January 30, 2012 at 10:55 a.m., Attorney Edward Andres arrived at Judge Tidd's district court with his client, the plaintiff in a civil case which was scheduled for 11:15 a.m. *Trexler v. Gamble, Kreative Kitchens, LLC*, Docket No. MJ-03204-CV-0000227-2011. Judge Tidd considers Attorney Andres to be "a good friend." In the reception area of his district court, in the presence of the plaintiff and his court clerks, Judge Tidd said to Attorney Andres, "You had to go and fuck up my morning with defending a civil case."

37. On February 8, 2012, Deputy Court Administrator French initiated a telephone conversation with Judge Tidd, on behalf of former President Judge McFadden, to schedule a February 13, 2012 meeting to discuss complaints about his conduct at his district court.

38. In the February 8, 2012 telephone conversation, Deputy Court Administrator French advised Judge Tidd that the issues to be discussed with former President Judge McFadden included complaints about his use of inappropriate language when addressing his court clerks.

39. At the February 13, 2012 meeting, former President Judge McFadden specifically told Judge Tidd that she received complaints about “his use of four letter words and difficulty scheduling afternoon hearings at his district court.”

40. During the February 13, 2012 meeting, former President Judge McFadden specifically told Judge Tidd that he was required to do the following:

- a. Conduct hearings in the courtroom while wearing his judicial robe;
- b. Arrive on time for scheduled hearings; and
- c. Give priority to his judicial duties over his private law practice.

41. During the February 13, 2012 meeting, former President Judge McFadden told Judge Tidd that there is a perception that he treats others badly and that his conduct needs to change.

42. During the February 13, 2012 meeting, Judge Tidd denied that he treats people badly.

43. During the February 13, 2012 meeting, former President Judge McFadden warned Judge Tidd that if he continued to engage in the identified misconduct, then she would file a report with the Judicial Conduct Board.

44. During his deposition, Judge Tidd recalled that during the February 13, 2012 meeting, former President Judge McFadden told him not to curse and to wear his judicial robe.

45. Immediately following each of the three meetings with former President Judge McFadden and Northampton County Court Administrators, Judge Tidd demonstrated an improved demeanor toward his district court clerks.

46. Within a few weeks after each meeting with former President Judge McFadden and Northampton County Court Administrators, Judge Tidd resumed a disrespectful and improper demeanor toward his court clerks. He belittled, yelled and cursed at them or when in their presence.

47. Beginning in February 2014 and continuing through June 2015, Judge Tidd routinely and impatiently hovered over one of his newly hired court clerks. Judge Tidd yelled at the court clerk, in front of his other court clerks, for taking too long with entering data into the magisterial district judge computer system.

48. On April 2, 2012, two traffic summary trials involving the same defendant were scheduled in Judge Tidd's district court beginning at 8:45 a.m. *Commonwealth v. Petras*, Docket Nos. MJ-03204-TR-0000660-2012; MJ-03204-TR-0000661-2012. Judge Tidd arrived at his court at 9:15 a.m., one-half hour after the first summary trial was scheduled to begin. During his traffic summary trials, defendant Petras got "mouthy." After the summary trials concluded and the parties had left the building, Judge Tidd remarked to his court clerks that Petras, was "a cocky ass dick."

49. On April 30, 2012, Judge Tidd spoke in a derogatory manner and cursed in reference to a defendant who appeared at his district court. *Commonwealth v. Zick*, MJ-03204-CR-0000065-2012. The record in *Zick* has been expunged. When the defendant arrived at Judge Tidd's court to set up a payment plan, Judge Tidd was eating lunch at the counter in the reception area. Judge Tidd said to the defendant, "Pull up your pants." After the defendant left the court, Judge Tidd made the following statement in the reception area of his court, in the presence of his court clerks and

Hellertown Borough Police Officer Timothy Piotrowski: "I really didn't need to see his fucking ass-crack while I'm eating lunch."

50. On August 12, 2014, Judge Tidd yelled and cursed at one of his court clerks about a scheduling matter in three traffic summary trials which were scheduled for the following day. *Commonwealth v. Araujo, Jr.*, Docket Nos. MJ-03204-TR-0001712-2014; MJ-03204-TR-0001713-2014; MJ-03204-TR-0001714-22014. The defendant called Judge Tidd's court and asked one of the court clerks if he could come in earlier than the scheduled time for his summary trials on the traffic citations. The court clerk told the defendant that if the police officer arrived early, then he could come early also. Upon hearing the court clerk's statement to the defendant, Judge Tidd yelled and screamed at her as follows:

Judge Tidd: I told you no, don't let the tail wag the fucking dog. When I say no, it means no.

Court Clerk: You always encourage them to come in earlier if the officer is here earlier.

Judge Tidd: No, I fucking told you that he has to come in when scheduled, period.

51. On August 28, 2014, a traffic summary trial was scheduled in Judge Tidd's district court. *Commonwealth v. Snyder*, Docket No. MJ-03204-TR-0001906-2014. Judge Tidd was seated at a clerk's desk next to the desk where one of his court clerks was seated. The defendant was standing at the counter of the reception area of the court. The citing officer, Lower Saucon Police Officer Robert Winters, entered the reception area, approached the counter and stated that he wanted to amend the traffic citation against the defendant. Judge Tidd rose from his chair and

as he walked behind the court clerk's cubicle, she said "Huh?" Judge Tidd impatiently said:

"If you say 'huh' to me one more time instead of 'yes' or 'excuse me' or something, I'm going to have a goddam fit."

When the court clerk told Judge Tidd that she did not realize that he was speaking to her, Judge Tidd abruptly stated:

"Yes, you did. You answered me. Don't respond like that."

Police Officer Winters, the defendant and the other court clerks observed Judge Tidd's demeanor toward the court clerk.

52. On October 9, 2014, Constable Fulmer transported a defendant from Lehigh County Prison to Judge Tidd's district court for a scheduled preliminary hearing on three misdemeanor charges including Driving Under the Influence – Impaired Ability, 1st offense, 75 Pa.C.S.A. § 3802 §§ D2. *Commonwealth v. Butler*, Docket No. MJ-03204-CR-0000198-2014. The preliminary hearing was initially scheduled for August 28, 2014, but Judge Tidd granted a defense continuance so that Mr. Butler could obtain counsel. By October 9, 2014, Mr. Butler had not yet obtained counsel. While standing at the counter of the reception area of his court, Judge Tidd asked the defendant if he wanted to waive his hearing. Mr. Butler responded that he wanted to fight the charges. After Judge Tidd instructed Mr. Butler to go into the courtroom, he said to his court clerks, "I can't believe I have to have a fucking hearing on a fucking DUI!" Approximately two minutes after Judge Tidd entered the courtroom, he came back out and reported to the court clerk that all the charges against Mr. Butler were held for court. Judge Tidd did not require Mr. Butler to sign a waiver of counsel during the proceedings.

53. On April 23, 2015, Judge Tidd demonstrated an improper demeanor when he entered the district court office, locked the front door and told his court clerks to sit down. Judge Tidd "ranted" at his court clerks about complaints filed with the Judicial Conduct Board, questioned them about who filed the complaints and asked who among them had communicated with his political opponent about court business. The court clerks believed that they were not free to leave when Judge Tidd locked the door to the district court and confronted them with questions over a period of 30 minutes.

54. At 8:46 a.m. on May 19, 2015, Primary Election Day, one of Judge Tidd's court clerks sent a text message to him and asked if he was coming to the district court for four hearings that were scheduled that morning. Judge Tidd returned the call and screamed and cursed at the court clerk as follows:

"Are you fucking kidding me, please tell me you are fucking kidding me."

The court clerk explained to Judge Tidd that there were only four hearings scheduled that day. He screamed into the phone:

"Are you fucking kidding me, I'm supposed to have off today."

Judge Tidd ended the phone call by hanging up on the court clerk. Just as the phone call ended, Upper Saucon Township Police Officer Daniel Bencsics arrived at Judge Tidd's district court for a traffic summary trial. *Commonwealth v. Melhem III*, Docket No. MJ-03204-TR-0000653-2015.

Within approximately one minute of hanging up the phone, Judge Tidd drove his vehicle at a rapid speed into the parking lot and entered the district court building in a rage. Judge Tidd stood at the counter in the reception area of his court and, in

the presence of Officer Bencsics, whom he ignored, and the other court clerks, he again screamed and cursed at the court clerk who had texted him about the hearings that day. The following exchange occurred:

Judge Tidd: Are you out of your mind?
Court Clerk: No.
Judge Tidd: Are you out of your mind?
Court Clerk: No.
Judge Tidd: Today is Election Day.
Court Clerk: I know.
Judge Tidd: I have off . . . dammit . . . I have off
[pounding counter with fist].
Court Clerk: I didn't know that. There were four
hearings on there and you did not tell
me to move them.
Judge Tidd: Common sense says to move them.

The court clerk repeatedly told Judge Tidd that she did not know that he was off on Election Day. Judge Tidd responded with the following comments: "You have to be out of your mind;" "Unbelievable;" and "Jesus Christ!"

After speaking with Deputy Court Administrator French by telephone, Judge Tidd told his court clerks, "Everything's continued per [Deputy Court Administrator], and it's on the Court. Continuances on the Court."

55. Judge Tidd exited the district court building just as Attorney Mark Minotti drove into the court parking lot with his client for his traffic summary trial scheduled in Judge Tidd's court that morning. *Commonwealth v. Melhem III*. Officer Daniel Bencsics, the affiant in the *Melhem* case, was standing in the reception area of the court. Police Officer Bencsics observed Judge Tidd in the parking lot of the district

court where he greeted and spoke with Attorney Minotti in front of his client and outside the presence of Police Officer Bencsics.

56. On May 19, 2015 at 8:31 a.m., Judge Tidd reentered the district court building and told his court clerks, “[Attorney] Mark Minotti’s here, it’s going to take place. He’s here.” Judge Tidd stood behind the counter of his reception area of his court in his street clothes and waited. When Attorney Minotti entered the building, Judge Tidd asked, “What’s his name?” After hearing the defendant’s name, Judge Tidd, pointed at Officer Bencsics while saying to Attorney Minotti, “Do it . . . do it quick. There’s your officer.” Attorney Minotti said to Officer Bencsics, “3111?”

57. After Officer Bencsics agreed to reduce the summary traffic charge to a violation of 75 Pa.C.S.A. § 3111(a), Obedience to Traffic-Control Devices, which carries a penalty of a \$150 fine, Judge Tidd said, “Good. Very good. Where’s Melhem?” Judge Tidd quickly signed a document and then said, “I gotta go.” Judge Tidd left the district court building at 8:32 a.m. saying, “They’re killing me.” After Judge Tidd’s departure, his court clerk processed the *Melhem* case while apologizing to Attorney Minotti for Judge Tidd’s behavior.

58. On February 19, 2016, after receiving the Board’s Notice of Full Investigation, Judge Tidd confronted one of his court clerks and yelled and screamed at her about her alleged cooperation with the Board. The following exchange took place:

Judge Tidd: You know, for you to say you got mistreated by me takes balls. Takes a lot of balls. Look me in the face and tell me I did that. Look me in the face and tell me I ever mistreated you.

Court Clerk: David, do you know how many names you’ve called me since I started here?

Judge Tidd: Like what?

Court Clerk: Like, ah, just two weeks ago you called me a mother fucker, okay?

Judge Tidd: When did I ever look you in the face and call you a mother fucker or even behind your back?

Court Clerk: You did.

Judge Tidd: When?

Court Clerk: Two weeks ago! Two, three weeks ago.

Judge Tidd: What . . . under what circumstances did I ever do that.

Court Clerk: Just saying.

Judge Tidd: Pull it off there [pointing to audio/video recording system]. I did it right here?

Court Clerk: You were sitting right here, yes.

Judge Tidd: You got a lot of nerve.

59. After instructing the court clerk to call Court Administration to find another judge to cover his night court duty assignment, Judge Tidd said to the court clerk, "I can take a lot of things, but I can't take a liar."

C. Ex Parte Communications re: Traffic Matters

60. On repeated occasions between November 9, 2011 and February 2016, Judge Tidd routinely discussed summary traffic charges with defendants who appeared at his court before the citing police officers arrived for the scheduled summary trials.

61. When Judge Tidd discussed traffic citations matters with defendants prior to the arrival of the citing police officers, Judge Tidd routinely asked the defendants if they would agree to enter a plea to a lesser charge.

62. After a defendant agreed to enter a plea to a lesser traffic charge, Judge Tidd would then call the absent police officer and ask if he would agree to a lesser charge.

63. On those occasions when the absent police officer agreed by telephone to change the citation to a lesser summary traffic charge, Judge Tidd accepted the defendant's guilty plea to the lesser offense.

64. In some traffic citation cases wherein the citing police officer had not yet arrived at his court for the scheduled traffic summary trials, Judge Tidd first discussed the case with the defendant and then permitted the defendant to use the district court telephone to speak with the police officer about entering a guilty plea to a lesser charge.

65. On repeated occasions between 2011 and February 2016, Judge Tidd initiated discussions about summary traffic charges with police officers who arrived at his court before the defendants for scheduled traffic summary trials.

66. When Judge Tidd discussed summary traffic citations matters with police officers prior to the arrival of the defendants, Judge Tidd would ask the police officers if they were willing to change the charged traffic violation to a lesser traffic offense.

67. When a defendant arrived after a police officer had agreed to change the charged summary traffic violation, Judge Tidd would ask the defendant if he or she was willing to enter a plea to the lesser traffic offense.

68. Hellertown Police Officer Michael Dattilio stated that when he arrived at Judge Tidd's district court for traffic summary trials, Judge Tidd routinely asked, "Did you work out a deal?"

69. When the penalty for the charge Obedience to Traffic-Control Devices, 75 Pa.C.S.A. § 3111(a), increased to \$150, Judge Tidd began substituting a lesser charge, Investigation by Police Officer, 75 Pa.C.S.A. § 6308, which carried a penalty of \$25, when he negotiated with defendants to enter guilty pleas to a reduced charge.

70. When Police Officer Dattilio arrived late at Judge Tidd's district court for a traffic summary trial, Judge Tidd would inform him that he had already worked out a deal with the defendant.

71. On November 9, 2011, the defendant appeared for his 9:30 a.m. traffic summary trial at Judge Tidd's court. *Commonwealth v. Fiorino*, MJ-03204-TR-0003184-2011. The defendant had entered a not guilty plea to the charge of Exceed Speed Limit School Zone by 14 mph (75 Pa.C.S.A. § 3365(b)(14)) and requested a summary trial. The citing officer, Hellertown Borough Police Officer James Deleone, Sr., was not present at the court. Judge Tidd offered to reduce the charge to Obedience to Traffic-Control Device (75 Pa.C.S.A. § 3111(a)) if the defendant agreed to enter a guilty plea. The defendant entered a guilty plea to the reduced charge.

72. On January 23, 2012, the defendant arrived at Judge Tidd's court for a traffic summary trial on the charge of Failure to Stop at a Red Signal, 75 Pa.C.S.A. § 3112(a)(31). *Commonwealth v. Groves*, Docket No. MJ-03204-TR-0003937-2011. The citing officer, Hellertown Borough Police Officer Kevin McCartney, had not yet arrived for the summary trial. Judge Tidd stood at the counter of the reception area of his court and told the defendant that he could enter a plea to a lesser charge of

Obedience to Traffic-Control Devices, 75 Pa.C.S.A. § 3111(a), with no points against his driver's license. Based on his discussion with Judge Tidd, the defendant agreed to enter a plea to a lesser charge. When Police Officer Kevin McCartney arrived, Judge Tidd told him, "I took care of your 10:15."

73. On January 23, 2012, Attorney Matthew Potts arrived for a preliminary hearing in a criminal matter which has since been expunged. Docket No. MJ-03204-CR-0000463-2011. Judge Tidd and Attorney Potts went into Judge Tidd's court office and shut the door. By 9:10 a.m., Lower Saucon Police Officer Jared Gunshore and the defendant had arrived at the court. Judge Tidd and Attorney Potts came out of the office and Attorney Potts said, "We have a deal for the 9:15 hearing." Officer Gunshore, who had no knowledge of the inner office discussion, stated, "I don't know what you're talking about. I have no deal worked out with you."

74. On January 25, 2012 at 10:50 a.m., the defendant arrived at Judge Tidd's court for his 11:15 a.m. traffic summary trial. *Commonwealth v. Desmond*, MJ-03204-TR-0003848-2011. The citing officer, Hellertown Borough Police Corporal Jeffrey Johnston had not yet arrived for the summary trial. Judge Tidd discussed the case with the defendant while standing at the counter of the reception area of his court. When the defendant confirmed that he did not get his car inspected, Judge Tidd told him, "If you take a hearing, I'm going to find you guilty because you haven't gotten it inspected. You can change your plea to guilty if you want." The defendant agreed to enter a guilty plea before Corporal Johnston arrived at the district court.

75. On January 30, 2012, the defendant arrived at Judge Tidd's district court for a 10:00 a.m. traffic summary trial. *Commonwealth v. Garippa*, MJ-03204-TR-0003936-2011. The citing officer, Hellertown Borough Police Officer Dominick

Fragano had not yet arrived at the district court. Judge Tidd discussed the case with the defendant while standing at the counter of the reception area of his court. Although Officer Fragano was not present, the defendant agreed to enter a guilty plea to a lesser charge. After obtaining the consent of the defendant, Judge Tidd changed the charge from Exceeding the Speed Limit in a School Zone, 75 Pa.C.S.A. § 3365(b-16), to a lesser no points charge of Obedience to Traffic-Control Devices, 75 Pa.C.S.A. § 3111(a).

76. On January 31, 2012, a defendant arrived at Judge Tidd's court for his 8:45 a.m. traffic summary trials for two traffic citations to which he had pled not guilty and requested a summary trial. *Commonwealth v. John A. Freed*, Docket Nos. MJ-03204-TR-0003421-2011 (Exceeding the Maximum Speed Limit by 19 mph) & MJ-03204-TR-0003422-2011 (Driving While Operating Privilege Suspended or Revoked as a Result of Accelerated Rehabilitative Disposition). The citing officer, Lower Saucon Police Officer Jared Gunshore, was present for the summary trials. Per Judge Tidd's direction, the defendant called his attorney's office and discovered that Attorney Thomas Joachim could not arrive at the court until 10:00 a.m. Judge Tidd told the defendant:

"That won't work. You'll have to have your hearing without him."

At 9:15 a.m., Attorney Joachim called and spoke with Judge Tidd by telephone. After telling Attorney Joachim that he could wait until he arrived to conduct the summary trials, Judge Tidd offered the following:

"Maybe I can get it reduced to a 1543(a)(1) instead of 1543(b)(1) by the time you get here. He'll have to plead guilty to speeding though and pay in full today."

Judge Tidd concluded his phone conversation with Attorney Joachim and then said to the citing officer, Police Officer Gunshore:

“Would you be ok with giving him a 1543(a) instead and he’ll also plead guilty to speeding?”

Officer Gunshore agreed to the lesser charge. Judge Tidd then told the defendant:

“Your attorney and I worked this out. You can plead guilty to 1543(a) and to a speeding charge. That way you won’t have any jail time. Have a seat until your attorney gets here and he’ll go over it with you.”

The defendant entered guilty pleas to the lesser charge of 1543(a) and to the speeding violation as initially charged. The statutory penalty for a violation of 75 Pa.C.S.A. § 1543(a) (\$200) is less than that for § 1543(b)(\$500 plus 60 to 90 days in prison).

77. On June 11, 2014, Hellertown Borough Police Officer Timothy Piotrowski issued a summary traffic citation to a driver for violation of 75 Pa.C.S.A. § 1786(f), Operation of a Motor Vehicle without Financial Responsibility (without vehicle insurance). *Commonwealth v. Farb*, Docket No. MJ-03204-TR-0001607-2014. Mr. Farb entered a not guilty plea and requested a summary trial. On July 23, 2014, Mr. Farb appeared at Judge Tidd’s district court for the scheduled traffic summary trial. Officer Piotrowski had not yet arrived at the district court. Judge Tidd presided over the matter at the counter of the reception area and directly negotiated with Mr. Farb, who entered a guilty plea to a lesser charge of 75 Pa.C.S.A. § 3111(a), Obedience to Traffic-Control Devices. At the time he entered his plea to the lesser charge, Mr. Farb had not obtained insurance on his vehicle.

78. On August 11, 2014, a defendant appeared for a traffic summary trial which had been continued to September 15, 2014 per request of the citing officer, Hellertown Borough Police Corporal Jeffrey Johnston. *Commonwealth v. Martin*, Docket No. MJ-03204-TR-0001268-2014. The defendant had not received notice of the new summary trial date. Based on the grant of the continuance, Corporal Johnston was not present at Judge Tidd's court. The defendant had pled not guilty to a charge of Exceeding the 25 mph speed limit by 12 mph and requested the summary trial. 75 Pa.C.S.A. s 3362(a)(1.2-12). Judge Tidd did not tell the defendant to come back on the new summary trial date. Judge Tidd discussed the case with the defendant at the counter of the reception area of his court and offered to reduce the charge to Exceeding the Speed Limit by 5 mph. 75 Pa.C.S.A. s 3362(a)(1.2-5). The defendant entered a guilty plea to the lesser charge.

79. On May 19, 2015, Primary Election Day, Judge Tidd exited the district court building just as Attorney Mark Minotti drove into the court parking lot with his client who had a traffic summary trial scheduled in Judge Tidd's court that morning. *Commonwealth v. Melhem III*, Docket No. MJ-03204-TR-0000653-2015. Lower Saucon Police Officer Daniel Bencsics was the affiant in the *Melhem* case and was standing in the reception area of the court. Police Officer Bencsics observed Judge Tidd in the parking lot of the district court where he greeted and spoke with Attorney Minotti in front of his client and outside the presence of Police Officer Bencsics.

80. On May 19, 2015 at 8:31 a.m., Judge Tidd reentered the district court building and told his court clerks, "[Attorney] Mark Minotti's here, it's going to take place. He's here." Judge Tidd stood behind the counter of his reception area of his court in his street clothes and waited. When Attorney Minotti entered the building,

Judge Tidd asked, "What's his name?" After hearing the defendant's name, Judge Tidd, pointed at Officer Bencsics while saying to Attorney Minotti, "Do it . . . do it quick. There's your officer." Attorney Minotti said to Officer Bencsics, "3111?"

81. After Officer Bencsics agreed to reduce the summary traffic charge to a violation of 75 Pa.C.S.A. § 3111(a), Obedience to Traffic-Control Devices, which carries a penalty of a \$150 fine, Judge Tidd said, "Good. Very good. Where's Melhem?" Judge Tidd quickly signed a document and then said, "I gotta go." Judge Tidd left the district court building at 8:32 a.m. saying, "They're killing me." After Judge Tidd departure, his court clerk processed the *Melhem* case while apologizing to Attorney Minotti for Judge Tidd's behavior.

82. In or about May 2015, Slate Belt Regional Police Officer Matthew Messinger forgot that he was scheduled to appear as the citing officer at a traffic summary trial scheduled in Judge Tidd's court. The day of the summary trial, a court clerk called to remind him of the proceeding. Officer Messinger informed the clerk that he could be at the court in 30 to 50 minutes. A few minutes later, Judge Tidd called Officer Messinger and asked if he would accept a guilty plea to a lesser charge from the defendant. Officer Messinger agreed to the lesser charge and Judge Tidd told him that he would take care of the case.

83. Judge Tidd stated that he engaged in these practices of working out deals to summary traffic charges in order to save time and money and accommodate schedules.

D. Special Consideration

84. Special consideration is defined as the practice of giving preferential or favorable treatment on case dispositions, upon *ex parte* requests, to litigants who

are politically connected or who are family members and friends of judges or court employees.

85. Judge Tidd and Attorney James J. Burke are professional colleagues and friends.

86. Between October 2007 and December 2015, Police Officers in Northampton County issued multiple parking citations to Attorney Burke.

87. Pennsylvania Rule of Criminal Procedure No. 401 governs the "Means of Instituting Proceedings in Summary Cases Charging Parking Violations."

88. When a police officer issues a parking ticket to an individual for parking illegally, that individual must respond within the time specified on the ticket. Pa.R.Crim.P. No. 401(A).

89. If the individual who has received a parking ticket chooses to enter a guilty plea, that individual may complete the guilty plea portion on the back of the ticket and submit it along with a payment of the amount specified on the ticket.

90. If the individual who has received a parking ticket fails to enter a plea or pay the amount due on the ticket, a traffic citation is then filed in the appropriate magisterial district court by the citing police officer.

91. Upon the filing of a traffic citation in the district court, the magisterial district judge shall issue a summons which grants the individual 10 days to respond. Pa.R.Crim.P. No. 411(A).

92. If the individual fails to respond to the citation or summons, a bench warrant shall issue from the district court for the arrest of the individual. Pa.R.Crim.P. No. 403(B).

93. On a routine basis, Attorney Burke failed to timely enter a plea or pay the fee on the parking tickets issued to his vehicle.

94. Because Attorney Burke did not timely enter a plea or pay the fee on the parking tickets, the police department filed the summary traffic citations in Judge Tidd's district court.

95. On a routine basis, Attorney Burke ignored the sequential warnings from Judge Tidd's district court to respond to and or pay his citations.

96. Each time Attorney Burke ignored his obligation to pay on his traffic citations, a warrant for the arrest of Attorney Burke should have issued from Judge Tidd's district court.

97. Between January 2010 and November 30, 2014, Judge Tidd presided over six cases involving parking citations issued to Attorney Burke.

Docket Nos.

MJ-03204-TR-2649-2007 (decided April 2013)

MJ-03204-TR-0003339-2012

MJ-03204-TR-0003287-2013

MJ-03204-TR-0001082-2013

MJ-03204-TR-0001612-2014

MJ-03204-TR-0000528-2014

98. Between December 1, 2014 and January 19, 2016, Judge Tidd presided over two cases involving parking citations issued to Attorney Burke.

Docket Nos.

MJ-03204-TR-0002538-2015

MJ-03204-TR-0000099-2016

99. On several occasions between January 2010 and January 19, 2016, Judge Tidd instructed his court clerks to track parking citations issued to Attorney Burke to determine when warrants would issue.

100. On several occasions between January 2010 and January 2016, Judge Tidd instructed his court clerks not to issue warrants to Attorney Burke when he failed to timely respond to and or pay the fines due on his parking citations.

101. On several occasions between January 2010 and January 2016, Judge Tidd instructed his court clerks that if a warrant did issue to Attorney Burke for unpaid fines on his parking citations, then the court clerks should not charge him for the constable fees.

102. Per his instructions, Judge Tidd's court clerks informed him on multiple occasions that a warrant for Attorney Burke was scheduled to issue on a traffic citation for a parking violation.

103. On several occasions between January 2010 and January 2016, Judge Tidd called Attorney Burke when he failed to timely pay the fines due on parking tickets and told him to come to the district court to resolve the matter.

104. When Judge Tidd called Attorney Burke about his outstanding traffic citations, he told him, "If he [Burke] didn't take care of it, I would be forced to issue a warrant."

105. Judge Tidd believes it was acceptable to call Attorney Burke and advise him to pay the amount due on his traffic citation as a matter of professional courtesy.

106. Northampton County Police Officers also filed multiple summary traffic citations against Attorney Burke in Magisterial District Judge Roy Manwaring's district court.

107. In or about March, 2015, one of Judge Tidd's court clerks informed him that Attorney Burke yelled at one of Judge Manwaring's court clerks for failing to personally call to remind him of a hearing on a parking violation for which he had received notice.

108. Judge Tidd argued with his court clerk about the incident at Judge Manwaring's district court, asserting that Attorney Burke deserved special treatment by Judge Manwaring's court clerk because he is an attorney.

E. Failure to Recuse

109. Judge Tidd has known Attorney Burke for approximately 13 to 15 years.

110. Judge Tidd considers Attorney Burke to be his friend.

111. Judge Tidd and Attorney Burke routinely speak on the telephone every three to four days.

112. Since 2010 when he became a magisterial district judge, Judge Tidd went out to lunch with Attorney Burke on at least five occasions. Some of those lunch dates occurred on the same days when Attorney Burke represented clients in Judge Tidd's district court.

113. Attorney Burke routinely represented defendants in Judge Tidd's district court between January 2010 and June 2016.

114. Judge Tidd's district court clerks advised Judge Tidd to transfer Attorney Burke's cases to another district court because of their friendship.

115. Judge Tidd continued to preside over cases in his district court wherein the defendants were represented by Attorney Burke.

116. As recently as April 3, 2016, Judge Tidd decided to grant a continuance in a criminal case in which Attorney Burke represented the defendant. *Commonwealth*

v. Lohman, Docket No. MJ-03203-CR-0000094-2016. On April 7, 2016, Attorney Burke requested a defense continuance. On April 8, 2016, Judge Tidd granted the defense continuance and rescheduled the Preliminary Hearing for May 24, 2016. Subsequently, Lohman waived the Preliminary Hearing.

117. Judge Tidd did not request the transfer of cases in which Attorney Burke represented defendants to another district court.

118. On May 17, 2013, Lower Saucon Township Police Officer Thomas Louder issued a traffic citation to Susan E. Blair, the landlord of Judge Tidd's district court office building, for speeding which resulted in a vehicle crash. Officer Louder charged Ms. Blair with a violation of 75 Pa.C.S.A. § 3361, failure to drive her vehicle at a safe speed. *Commonwealth v. Blair*, MJ-03204-TR-1339-2013. Ms. Blair entered a plea of not guilty and requested a summary trial. The case was scheduled for a June 11, 2013 summary trial in Judge Tidd's district court. On May 22, 2013, one of Judge Tidd's court clerks contacted him and asked if *Commonwealth v. Blair* should be transferred to another district court because of the conflict of interest arising from Ms. Blair's relationship to Judge Tidd's district court. Initially, Judge Tidd told the clerk that he could hear the case. Judge Tidd then advised his court clerk that he would ask Officer Louder how bad the accident was and if the police chief "made" him write the citation. Judge Tidd also informed his court clerk that he would dismiss the case if possible, but would transfer the case if a hearing was necessary.

119. Judge Tidd did not request a transfer of *Commonwealth v. Blair* to another district court. On June 11, 2013, Judge Tidd dismissed the case.

F. Failure to Accord Full Right to Be Heard

120. Between 2011 and February 2016, Judge Tidd conducted traffic summary trials, landlord-tenant hearings, preliminary arraignments and waivers of preliminary hearings at the counter of the reception area of his court.

121. Each defendant who appeared at Judge Tidd's court for a traffic summary trial had entered a not guilty plea pertaining to the charged traffic violation(s), requested a summary trial and received notice of the scheduled proceeding.

122. Between 2011 and February 2016, unless a defendant or the defendant's attorney specifically requested to conduct a traffic summary trial in the courtroom, Judge Tidd conducted the scheduled trial at the counter of the reception area of his court.

123. When a defendant arrived at Judge Tidd's court for a scheduled traffic summary trial, Judge Tidd routinely encouraged a plea agreement at the counter of the reception area of his court, whether or not the police officer was present.

124. Between 2011 and February 2016, unless a criminal defendant or the defendant's attorney specifically requested that a preliminary arraignment be conducted in the courtroom, Judge Tidd routinely conducted the preliminary arraignment at the counter of the reception area of his court.

125. Between 2011 and February 2016, unless a criminal defendant or the defendant's attorney requested that a waiver of a preliminary hearing be conducted in the courtroom, Judge Tidd routinely conducted such waivers at the counter of the reception area of his court.

126. Between 2011 and February 2016, when a criminal defendant opted to waive his or her preliminary hearing, Judge Tidd routinely directed his court clerks to explain the waiver process, rather than explaining the legal process to the defendant himself.

127. Between 2011 and February 2016, when *pro se* criminal defendants arrived for scheduled preliminary hearings, Judge Tidd routinely encouraged them to waive their hearings, even when they had questions or when they were interested in getting an attorney.

128. Between 2011 and February 2016, Judge Tidd told *pro se* criminal defendants who appeared for preliminary hearings that the hearings could not be continued and that they must decide that very day whether or not to waive the hearings.

129. Between 2011 and February 2016, Judge Tidd conducted preliminary arraignments of criminal defendants without looking at the criminal complaint and affidavit of probable cause.

130. Between 2011 and February 2016, when Judge Tidd presided over waivers of preliminary hearings at the counter of the reception area of his district court, he failed to inform the criminal defendants of the charges filed against them, merely telling them to read the criminal complaint.

131. According to Hellertown Borough Police Officers Michael Dattilio, Timothy Piotrowski and Corporal Jeffrey Johnston, who routinely appeared as affiants in preliminary arraignments in Judge Tidd's court, Judge Tidd failed to inform each defendant of his right to an attorney; failed to explain the criminal charges contained in the complaint to each defendant; and was primarily focused on quickly completing

the proceeding. For example, Judge Tidd performed a video arraignment of a defendant in approximately one minute, whereas other magisterial district judges in Northampton County dedicate approximately 30 minutes to the performance of video arraignments of defendants.

132. Between 2011 and June 19, 2015, Judge Tidd repeatedly instructed his court clerks to act in his stead and to "handle" court matters when he was absent from his court, busy in the courtroom or otherwise occupied. Such matters included the acceptance of reduced pleas in summary traffic cases, review and explanation of waiver of preliminary hearings, preliminary arraignment and bail issues and obtaining the signatures of the defendants on the appropriate paperwork in Judge Tidd's absence. Judge Tidd would then affix his signature to such paperwork after he returned to his court.

133. On numerous occasions between 2011 and February 2016, Judge Tidd told his district court staff, "They don't pay me enough to hold hearings" and "This is nothing but Traffic Court."

134. On November 30, 2011, Judge Tidd directed his court staff to keep all the hearings as scheduled on the following day, December 1, 2011, and to "handle them" in his absence.

135. On November 30, 2011, Judge Tidd instructed his court staff that, despite his absence from the court on December 1, 2011, they should accept reduced pleas from defendants who appeared for their requested summary trials in traffic citation cases.

136. On November 30, 2011, Judge Tidd instructed his court staff that, despite his absence from the court on December 1, 2011, they should process the paperwork in cases where defendants wanted to waive preliminary hearings and he would sign the paperwork later.

137. On November 30, 2011, Judge Tidd instructed his court staff that during his absence on December 1, 2011, they should reschedule proceedings only in cases where defendants insisted on doing so.

138. On December 1, 2011, the following cases were scheduled and "handled" in Judge Tidd's court by his court staff per his November 30, 2011 instructions:

<u>Case Name</u>	<u>Docket No.</u>	<u>Disposition</u>
<i>Commonwealth v. Allen</i>	TR-3320-2011	Guilty Plea
<i>Commonwealth v. Szilagyi</i>	TR-3670-2011	Guilty Plea
<i>Gescek v. MAS Transp., Sandone</i>	CV-172-2011	Judgment Plaintiff
<i>Commonwealth v. Fischer</i>	TR-3477-2011	Dismissed
<i>Commonwealth v. Lance, Jr.</i>	CR-440-2011	Bail set
<i>Commonwealth v. Litzenberger</i>	TR-3642-2011	Guilty Plea
<i>Commonwealth v. Grello, Jr.</i>	TR-3631-2011	Dismissed
<i>Commonwealth v. Racek</i>	TR-3657-2011	Dismissed
<i>Berkheimer Tax Admin. v. Pettijohn</i>	CV-142-2011	Judgment Plaintiff
<i>Capital One Bank v. Maura</i>	CV-191-2011	Judgment Defend

139. On January 12, 2012, a hearing was scheduled for 9:00 a.m. in the case *Commonwealth v. Phillippe Bortz*, Docket No. MJ-03294-TR-0003751-2011. Judge Tidd arrived 25 minutes late at the district court and did not provide a reason for his late arrival. The defendant requested a hearing and Judge Tidd acted annoyed. Judge Tidd put on his robes and said to the defendant, "Go into the courtroom, NOW!"

After the hearing in the *Bortz* case, Judge Tidd emerged from the courtroom, threw the citation onto the court clerk's desk and said, "Guilty. Nobody stands a chance in a hearing with me today."

140. On January 23, 2012, a traffic summary trial was scheduled for 11:00 a.m. in the case *Commonwealth v. Richardson*, MJ-03204-TR-0003997-2011. The defendant and the citing police officer, Trooper Robert C. Ace, Jr., arrived at the district court at 10:50 a.m. for the 11:00 summary trial. Judge Tidd was in his office with the door closed. In accord with Judge Tidd's prior instruction to "handle" court matters when he was not available, one of Judge Tidd's court clerks accepted the defendant's guilty plea to a lesser charge of Exceeding the Speed Limit by 10 mph, 75 Pa.C.S.A. § 3362 §§ A1.1-10.

141. On January 24, 2012, Judge Tidd presided over a landlord-tenant hearing at the counter of the reception area of his court. *Diehl v. Warjas*, MJ-03204-LT-0000002-2012. The defendant was represented by an attorney, James Katz, Esquire. Judge Tidd did not swear anyone in. Judge Tidd entered judgment for the plaintiff, granting possession of rental property and money judgment of \$1,002.10 against the defendant for past rent due and fees.

142. Rule 540(A) of the Pennsylvania Rules of Criminal Procedure allows for a two-way simultaneous audio-visual communication for proceedings such as preliminary arraignments. The Rule does not permit audio only devices for this purpose. Pa.R.Crim.P. No. 540(A).

143. On February 6, 2012, Judge Tidd was on night duty and arrived at his district court at 8:45 p.m. He conducted preliminary arraignments in nine criminal cases by telephone rather than by the Polycom video conferencing device, which took

greater than 10 minutes to start up. He presided over the following preliminary arraignments without the video feed:

<u>Case Name</u>	<u>Docket Number</u>
<i>Commonwealth v. Kaitlyn M. Boullosa</i>	MJ-03104-CR-251-2010
<i>Commonwealth v. Carole Jackson</i>	MJ-03104-MD-005-2012
<i>Commonwealth v. Robert Jackson</i>	MJ-03104-MD-004-2012
<i>Commonwealth v. Henry Hughes</i>	MJ-03206-CR-015-2012
<i>Commonwealth v. Quincy Wilson</i>	MJ-03212-CR-026-2012
<i>Commonwealth v. Jose L. Rodriguez</i>	MJ-03211-CR-046-2012
<i>Commonwealth v. Sandro Alonso</i>	MJ-03211-CR-047-2012
<i>Commonwealth v. Julius Stevenson</i>	MJ-03211-CR-013-2012
<i>Commonwealth v. Jessica I. Pedroza</i>	MJ-03211-CR-048-2012

144. In a February 8, 2012 telephone conversation pertaining to a scheduled February 13, 2012 meeting, Deputy Court Administrator French advised Judge Tidd that the issues to be discussed with former President Judge McFadden included complaints about his unavailability for afternoon court hearings and conducting hearings at the counter of the reception area of his court rather than in the courtroom.

145. During a separate February 8, 2012 telephone conversation, Court Administrators Jim Onembo and Debra French advised Judge Tidd that the issues to be discussed with former President Judge McFadden also included his judicial process, the priority he gave to his law practice over his responsibilities as judge and the impression that his court was a "fast food court."

146. On May 23, 2014, Hellertown Borough Police Officer Timothy Piotrowski issued three traffic citations to the same defendant. *Commonwealth v. Clark III*, Docket Nos. MJ-03204-TR-0001252-2014 (Operation Following Suspension of

Registration 75 Pa.C.S.A. § 1371(a)); MJ-03204-TR-0001253-2014 (Operation Without Required Insurance 75 Pa.C.S.A. § 1786(f)); and MJ-03204-TR-0001254-2014 (Operation While Driving Privileges Suspended 75 Pa.C.S.A. § 1543(a)). Clark entered not guilty pleas, paid the collateral and requested a summary trial on each charge. On July 23, 2014, Judge Tidd stood at the counter of the reception area of his court and dismissed the charges at Docket Nos. MJ-03204-TR-0001252-2014 and MJ-03204-TR-0001253-2014 without hearing testimony or admitting evidence. Judge Tidd did not confirm whether or not Clark's registration was reinstated or if he had insurance at the time of the traffic stop or at the time that he appeared for the hearing. Judge Tidd continued to stand at the counter of the reception area of his court while defendant Clark entered a guilty plea to a lesser charge of 75 Pa.C.S.A. § 3111(a), Obedience to Traffic Control Devices. Judge Tidd changed the summary charge of Operation While Driving Privileges Suspended without confirming that Clark's driver's license was restored. District court staff later contacted PennDOT and learned that Clark's driver's license was still suspended at the time that Judge Tidd accepted his plea to a lesser charge.

147. On August 27, 2014 at 8:15 a.m., Judge Tidd received a call from Northampton County Prison that a defendant needed to be arraigned. *Commonwealth v. Passaro*, Docket No. MJ-03204-CR-0000051-2011. Judge Tidd conducted the preliminary arraignment via video conferencing without an officer present. During the arraignment, Judge Tidd did not look at the criminal charges, did not explain the charges to the defendant and did not question him.

148. On August 11, 2014, a defendant charged with felony criminal offenses arrived at Judge Tidd's district court for a scheduled preliminary arraignment. *Commonwealth v. Hodjimetov*, Docket No. MJ-03204-CR-0000137-2014. The affiant, Hellertown Borough Police Officer Matthew Messinger, arrived at the court and observed Judge Tidd standing at the counter and "handling the matter." Without conducting a formal proceeding or waiting for the affiant to provide information relative to the specific enumerated bail criteria, Judge Tidd had already set bail at \$10,000 unsecured. Police Officer Matthew Messinger asked the court clerk what happened. The court clerk informed him that Judge Tidd decided to set unsecured bail and that the defendant was then free to go. Per standard procedure, Officer Messinger brought the defendant to the Booking Center for fingerprinting. During the fingerprinting process, Officer Messinger was advised by immigration officials that he should not release the defendant because he was subject to deportation.

149. On May 26, 2015, two criminal cases were scheduled for preliminary hearings in Judge Tidd's court. Lower Saucon Police Officer Daniel Bencsics represented the Commonwealth in both matters and had not yet arrived at the district court. In *Commonwealth v. Ridner*, the defendant waived her right to a preliminary hearing on three misdemeanor drug charges, all of which were waived for trial in the Court of Common Pleas. Docket No. MJ-03204-CR-0000081-2015. In *Commonwealth v. Beaver*, the defendant waived his right to a preliminary hearing on three misdemeanor drug charges and one summary charge of No Headlights. Docket No. MJ-03204-CR-0000083-2015. When Officer Bencsics arrived at Judge Tidd's court, one of the court clerks informed him that both of the criminal defendants, who were

not represented by attorneys, had waived their preliminary hearings without first consulting with an attorney.

150. On May 27, 2015, Officer Bencsics arrived at Judge Tidd's district court for a criminal hearing involving a charge of Harassment – Commission of Lewd, Threatening Language, 18 Pa.C.S.A. § 2709(a)(4). *Commonwealth v. Hazeltine*, MJ-03204-CR-0000088-2015. When the defendant called and stated that he could not attend the proceeding, Judge Tidd accepted his guilty plea by telephone.

151. Judge Tidd's method of conducting abbreviated and informal summary trials and hearings at the counter of the reception area of his court earned him the nickname "the drive-through judge."

152. Between 2011 and February 2016, Judge Tidd directed his court clerks to change dispositions of cases approximately twice per month. For example, in cases where a party failed to appear at a scheduled time for a hearing, Judge Tidd entered a judgment of guilty. However, if the party showed up later in the day, Judge Tidd directed his court clerks to either change the disposition to a lower charge or dismiss the case.

G. Conflicts of Interest and Prioritization Business of Court

153. From approximately 2006 through January 17, 2011, Attorneys Tidd and John Everett Cook, Esquire were law partners who practiced law in the United States Bankruptcy Court for the Eastern District of Pennsylvania.

154. On February 23, 2006, Judge Tidd filed a Bankruptcy Petition, No. 06-20168-ref, on behalf of his clients, Jose E. Nieves and Maria del Pilar Nieves, under Chapter 13 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania.

155. Sometime after Judge Tidd assumed the bench in January 2010, Judge Tidd and Attorney Cook divided their work at their law practice pertaining to bankruptcy matters such that Judge Tidd, acting in his role as a lawyer, handled consults and case management, and Attorney Cook “work[ed] the case.”

156. On August 31, 2010, Society Hill at Saucon Valley filed a civil complaint in Judge Tidd’s district court against Maria Nieves for failure to pay condominium fees. *Society Hill at Saucon Valley v. Maria Nieves*, Docket No. MJ-03204CV-0000134-10.

157. On October 1, 2010, Judge Tidd entered judgment for the plaintiff, Society Hill at Saucon Valley, and against Ms. Nieves in the amount of \$4,438.00.

158. On October 1, 2010, Judge Tidd and Attorney Cook were still law partners.

159. On October 1, 2010, Attorney Cook was responsible for “working” the Nieves bankruptcy case which was still an open matter in U.S. Bankruptcy Court.

160. On January 17, 2011, Judge Tidd and Attorney Cook formally dissolved their partnership in their law practice.

161. On February 11, 2011, in the U.S. Bankruptcy Court, an Order was entered in the Nieves bankruptcy case at No. 06-20168-ref, discharging the debts and the case was closed.

162. By letter dated February 14, 2011, Attorney Laura Tobey informed Judge Tidd that she represented Society Hill at Saucon Valley and requested a copy of the judgment entered on October 1, 2010.

163. On February 18, 2011, Society Hill at Saucon Valley filed a civil suit against Maria Nieves to enforce the October 1, 2010 judgment entered by Judge Tidd. *Society Hill at Saucon Valley v. Maria Nieves*, Docket No. C-0048-CV-2011-01498.

164. On an unknown date, Judge Tidd, acting in his capacity as an attorney, agreed to provide legal representation for Ms. Nieves in the enforcement action in the Court of Common Pleas without performing an adequate conflicts check.

165. Judge Tidd asserts that when Ms. Nieves conferred with him about legal representation, she presented him with paperwork from the Court of Common Pleas of Northampton County which contained the Court of Common Pleas docket number, but not the district court number.

166. On March 16, 2011, Society Hill at Saucon Valley filed a second civil case against David Nieves, II & Maria Nieves for failure to pay condominium fees. *Society Hill at Saucon Valley v. David Nieves, II & Maria Nieves*, MJ—03204-CV-0000053-2011.

167. On April 11, 2011, Attorney Tobey wrote to Judge Tidd to confirm that her client, Society Hill at Saucon Valley, agreed to accept payment from Maria Nieves to resolve its civil case against her at CV-0000134-10. Ms. Tobey stated in her letter to Judge Tidd that he had confirmed that Ms. Nieves possessed that amount of money in her bank account and would hand deliver a check to Ms. Tobey the following day.

168. On April 20, 2011, Judge Tidd requested a change of venue in the second civil matter, *Society Hill at Saucon Valley v. David Nieves, II & Maria Nieves*, MJ—03204-CV-0000053-2011 “due to my representation of the defendant Maria Nieves.”

169. On April 26, 2011, former President Judge McFadden issued an Order to transfer the case to another district court due to a possible conflict of interest.

170. The 2010 and 2011 Society Hill at Saucon Valley civil debt cases occurred long after the filing of the 2006 bankruptcy matter. Because the October 1, 2010 judgment was enforced, Society Hill at Saucon Valley is not listed as a creditor in the Bankruptcy Petition or Final Order.

171. After receiving an anonymous complaint, on August 11, 2011, then President Judge McFadden and Court Administrators Jill Cicero and Debra French met with Judge Tidd and discussed the appearance of a conflict of interest that arose from Judge Tidd providing legal representation for Ms. Nieves in the Court of Common Pleas in *Society Hill at Saucon Valley v. Maria Nieves*, Docket No. C-0048-CV-2011-01498.

172. On August 11, 2011, Judge Tidd informed former President Judge McFadden and Court Administrators Cicero and French that he reported the incident to the Special Court Judges Association (SCJA) Ethics and Professionalism Committee and that the Committee would discuss the issue at its September 6, 2011 meeting.

173. On August 11, 2011, Judge Tidd advised former President Judge McFadden and Court Administrators Cicero and French that after he discovered the conflict that arose from his representation of Ms. Nieves in the Court of Common Pleas case, *Society Hill at Saucon Valley v. Maria Nieves*, Docket No. C-0048-CV-2011-01498, he transferred *Society Hill at Saucon Valley v. David Nieves, II & Maria Nieves*, MJ—03204-CV-0000053-2011, out of his district court.

174. Three weeks after meeting with former President Judge McFadden, on September 2, 2011, Judge Tidd sent a letter to the SCJA Ethics and Professionalism Committee, requesting an advisory opinion to clarify his ethical responsibilities pertaining to his representation of clients in bankruptcy matters that were related to civil cases filed in his court or in courts of other magisterial district judges.

175. On September 25, 2011, the SCJA Ethics and Professionalism Committee sent an advisory opinion to Judge Tidd, specifying the particular Rules Governing Standards of Conduct of Magisterial District Judges (effective through November 30, 2014) which were applicable to the potential conflicts arising from his legal representation of bankruptcy clients and his role as a judge when related civil matters are assigned to his district court.

176. In his March 17, 2016 response to the Board's February 19, 2016 Notice of Full Investigation, Judge Tidd stated that he relied on the September 25, 2011 advisory opinion of the SCJA Ethics and Professionalism Committee to determine if his legal representation of bankruptcy clients presented a conflict of interest with his responsibilities as judge.

177. At his June 14, 2016 deposition, Judge Tidd admitted that he narrowly interpreted the September 25, 2011 advisory opinion of the SCJA Ethics and Professionalism Committee to suit his own purposes of providing legal representation for bankruptcy clients at his law practice.

178. One month after receiving the advisory opinion from the SCJA Ethics and Professionalism Committee, on October 27, 2011, Capital One Bank filed a civil complaint against Leslie A. Ziegler in Judge Tidd's district court for failure to pay sums

due and owing on her revolving credit account. *Capital One Bank v. Ziegler*, Docket No. MJ-03204-CV-0000190-2011.

179. On an unknown date prior to December 13, 2011, Ms. Ziegler contacted Judge Tidd's law offices to discuss a potential bankruptcy case.

180. A member of Judge Tidd's staff wrote on the calendar next to Ms. Ziegler's appointment, "could be a conflict."

181. On an unknown date prior to December 13, 2011, Ms. Ziegler spoke with Judge Tidd by telephone and explained her legal issues to him.

182. Ms. Ziegler met with Judge Tidd on December 13, 2011, paid the fee for his services in full and discussed filing for bankruptcy. During that meeting, Judge Tidd told Ms. Ziegler that he could "make the hearing [scheduled in his district court] go away."

183. On December 15, 2011, Judge Tidd sent a letter to Deputy Court Administrator French, requesting a change of venue in the *Capital One Bank v. Ziegler* case "due to a conflict as I currently represent the Defendant in a civil matter."

184. On December 16, 2011, former President Judge McFadden issued an Order transferring the case from Judge Tidd's district court to Judge Manwaring's district court. A new docket number was assigned to the case: MJ-03201-CV-0000180-2011.

185. On January 13, 2012, Judge Tidd filed a Bankruptcy Petition, No. 12-10338-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Ms. Ziegler.

186. Capital One Bank is listed as a creditor in Ms. Ziegler's Bankruptcy Petition at Section F, Unsecured Nonpriority Claims.

187. On October 11, 2010, Equable Ascent Financial, LLC filed a civil complaint against Ian Cortez in Judge Tidd's district court for failure to pay the principle on credit granted by Wamu Chase 14 with the account assigned to Equable Ascent financial. *Equable Ascent Financial, LLC v. Ian Cortez*, Docket No. MJ-03204-CV-0000143-2010. On January 6, 2011, Judge Tidd entered judgment for defendant, Mr. Cortez.

188. On February 22, 2012, First Financial Investment Fund filed a civil complaint against Ian Cortez in Judge Tidd's district court for failure to pay the principle on credit granted by HSBC Bank Nevada NA Bowflex with the account assigned to First Financial Investment. *First Financial Investment Fund v. Ian Cortez*, Docket No. MJ-03204-CV-0000038-2012. On April 25, 2012, Judge Tidd entered judgment for defendant, Mr. Cortez. First Financial Investment Fund filed an appeal in the Court of Common Pleas of Northampton County.

189. On August 13, 2012, Security Credit Services filed a civil complaint against Ian Cortez in Judge Tidd's district court for failure to pay the principle amount due and owing on credit card debt. *Security Credit Services v. Ian Cortez*, Docket No. MJ-03204-CV-0000123-2012. On October 2, 2012, Judge Tidd entered judgment for defendant.

190. During the time period that the three *Cortez* cases were before him, Judge Tidd entered judgments for the defendant when the plaintiffs failed to appear.

191. On May 22, 2013, Mr. Cortez consulted with Judge Tidd, acting in his capacity as an attorney, about representation in a bankruptcy proceeding. Judge Tidd agreed to represent Mr. Cortez in bankruptcy court, reasoning that Mr. Cortez had no matters pending in his district court.

192. On October 16, 2013, Judge Tidd filed a Bankruptcy Petition, No. 13-19031-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Ian Cortez.

193. First Financial Investment Fund is listed as a creditor in Mr. Cortez's Bankruptcy Petition at Section F, Unsecured Nonpriority Claims.

194. On February 10, 2012, Target National Bank filed a civil complaint against Kathleen M. Pagel in Judge Tidd's district court for failure to pay the balance on an open ended credit card. *Target National Bank v. Pagel*, Docket No. MJ-03204-CV-0000025-2012.

195. On March 29, 2012, Judge Tidd entered a default judgment for the plaintiff, Target National Bank and against Ms. Pagel in the amount of \$10,070.76.

196. On December 6, 2012, Ms. Pagel met with Judge Tidd at his law offices to discuss his representation of Ms. Pagel in her bankruptcy case.

197. On February 5, 2013, Judge Tidd filed a Bankruptcy Petition, No. 13-11036-mdc, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Kathleen Pagel.

198. Target National Bank is listed as a creditor in Ms. Pagel's Bankruptcy Petition at Schedule F, Unsecured Nonpriority Claims.

199. On October 11, 2012, PPL Electric Utilities filed a civil complaint against Franklin and Dawn Craig in Judge Tidd's district court for failure to pay the balance due on their electric service contract. *PPL Electric v. Craig*, Docket No. MJ-03204-CV-0000162-2012.

200. On November 14, 2012, Judge Tidd entered judgment in favor of the plaintiff, PPL Electric Utilities and against Franklin and Dawn Craig in the amount of \$10,116.17.

201. The docket in *PPL Electric v. Craig* does not state that Judge Tidd entered a default judgment. At his June 14, 2016 Board deposition, Judge Tidd stated that the magisterial district court file did not contain a Notice of Intent to Defend, PPL generally did not appear at hearings and he likely entered a default judgment for PPL based on the non-appearance of both parties.

202. Sixteen days later, on November 30, 2012, Ms. Craig met with Judge Tidd at his law offices to discuss his representation of the Craigs in their potential bankruptcy case.

203. On February 4, 2013, Judge Tidd filed a Bankruptcy Petition, No. 13-10958-ref, under Chapter 13 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his clients, Franklin and Dawn Craig.

204. PPL is listed as a creditor in the Craigs' Bankruptcy Petition at Section F, Unsecured Nonpriority Claims.

205. Judge Tidd denied that he was aware of the November 14, 2012 default judgment entered in his district court at the time agreed to represent the Craigs in their bankruptcy case.

206. At the June 14, 2016 Board deposition, Judge Tidd stated that even if he were aware of the default judgment, he still would have represented the Craigs in their bankruptcy case because *PPL Electric v. Craig* was no longer pending in his court.

207. On November 19, 2012, Discover Bank filed a civil complaint against Lonna Deschler in Judge Tidd's district court for failure to pay the amount due on her account. *Discover Bank v. Lonna Deschler*, Docket No. MJ-03204-CV-0000175-2012.

208. On December 13, 2012, Judge Tidd entered a default judgment for the plaintiff, Discover Bank, and against Ms. Deschler in the amount of \$1,975.83.

209. On January 22, 2013, Capital One Bank filed a civil complaint against Tyrone Deschler in Judge Tidd's district court for failure to pay the balance due on his credit card account. *Capital One Bank (USA) v. Tyrone A. Deschler*, Docket No. MJ-03204-CV-000009-2013.

210. On February 19, 2013, Judge Tidd entered a default judgment for the plaintiff, Capital One Bank, and against Mr. Deschler in the amount of \$4,314.68.

211. On August 13, 2013, Judge Tidd met with Ms. Deschler at his law office to discuss his representation of the Deschlers in their potential bankruptcy case.

212. On August 16, 2013, Judge Tidd filed a Bankruptcy Petition, No. 13-17187-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his clients, Lonna and Tyrone Deschler.

213. Capital One Bank and Discover Bank are listed as creditors in the Dreschlers' Bankruptcy Petition at Section F, Unsecured Nonpriority Claims.

214. On November 9, 2012, Gilberto Cruz met with Judge Tidd at his law offices to discuss his representation of Mr. Cruz in his potential bankruptcy case.

215. On July 10, 2013, DeWire Dental LLC filed a civil complaint against Gilberto Cruz in Judge Tidd's district court for failure to pay in full the balance due on dental services rendered. *DeWire Dental LLC v. Gilberto Cruz*, Docket No. MJ-03204-CV-0000105-2013.

216. Twenty days later, on July 30, 2013, Judge Tidd filed a Bankruptcy Petition, No. 13-166686-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Gilberto Cruz.

217. On October 1, 2013, Judge Tidd filed an Amended Chapter 7 Statement of Current Monthly Income and Means Test Calculation (Form 22A) on behalf of his clients, Gilberto and Diane Cruz.

218. On October 7, 2013, Judge Tidd entered a Notice of Judgment in the civil case in his district court, ruling in favor of the plaintiff, DeWire Dental, and against Gilberto Cruz in the amount of \$774.73.

219. Mr. Cruz appealed the judgment. On June 25, 2014, a panel of arbitrators at the Court of Common Pleas entered an arbitration award in favor of DeWire Dental and against Mr. Cruz in the amount of \$250.

220. DeWire Dental is not listed as a creditor in the Mr. Cruz's Bankruptcy Petition.

221. On August 31, 2012, Deborah Repash met with Judge Tidd at his law offices to discuss his representation of her in a potential bankruptcy case. On June 7, 2013, Cavalry SPV I, LLC filed a civil complaint against Ms. Repash in Judge Tidd's district court. *Cavalry SPV I, LLC v. Repash*, Docket No. MJ-0324-CV-0000084-2013. On July 1, 2013, Judge Tidd properly requested that *Cavalry SPV I, LLC v. Repash* be transferred out of his district court because his law firm represented the defendant in federal bankruptcy proceedings.

222. On September 15, 2013, Calvary, SPV I, LLC filed a civil complaint against Joseph F. Killo in Judge Tidd's district court for failure to make timely payments on a credit account issued to Killo by Citibank with assignment to Calvary SPV I, LLC. *Calvary SPV I, LLC v. Joseph F. Killo*, Docket No. MJ-03204-CV-0000144-2013.

223. On November 26, 2013, Judge Tidd entered a default judgment in favor of the plaintiff and against Mr. Killo in the amount of \$4,194.35.

224. On November 19, 2013, FFIF-ACM Opportunity Fund LLC filed a civil complaint against Joseph Killo in Judge Tidd's district court for defaulting on a credit account granted by ELAN with assignment to FFIF-ACM Opportunity Fund LLC. *FFIF-ACM Opportunity Fund LLC v. Joseph Killo*, Docket No. MJ-03204-CV-0000173-2013.

225. On March 5, 2014, Judge Tidd entered a default judgment for the plaintiff, FFIF-ACM Opportunity Fund LLC, and against Mr. Killo in the amount of \$5,894.32.

226. On October 23, 2014, Joseph Killo met with Judge Tidd at his law offices to discuss his representation of Mr. Killo in his potential Chapter 13 bankruptcy filing.

227. On November 18, 2014, Judge Tidd filed a Bankruptcy Petition, No. 14-19140-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Mr. Killo.

228. Calvary SPV I, LLC and FFIF-ACM Opportunity Fund LLC are not listed in Mr. Killo's Bankruptcy Petition.

229. On February 20, 2014, Capital One Bank USA filed a civil complaint against Heidi L. Trexler in Judge Tidd's district court for failure to pay the balance due on her credit card account. *Capital One Bank USA v. Heidi L. Trexler*, Docket No. MJ-03204-CV-0000015-2014.

230. On March 12, 2014, Judge Tidd entered judgment for the plaintiff, Capital One Bank USA, and against Heidi Trexler in the amount of \$6,354.71.

231. Less than one year later, on February 19, 2015, Ms. Trexler met with Judge Tidd at his law offices to discuss his representation of her in a potential bankruptcy case.

232. On March 6, 2015, Judge Tidd filed a Bankruptcy Petition, No. 15-11582-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Heidi Trexler.

233. Capital One Bank is listed as a creditor in Ms. Trexler's Bankruptcy Petition at Schedule F, Unsecured Nonpriority Claims.

234. On March 7, 2014, Jennifer L. Frey met with Judge Tidd in his law offices to discuss his representation of her in a potential bankruptcy case.

235. On May 23, 2014, First Commonwealth FCU filed suit against Jennifer L. Frey in Judge Tidd's district court for failure to pay the unpaid balance on a personal loan. *First Commonwealth FCU v. Jennifer L. Frey*, Docket No. MJ-03204-CV-0000058-2014.

236. On June 2, 2014, Judge Tidd signed a Notice of Judgment, dismissing the case, *First Commonwealth FCU v. Jennifer L. Frey*, without prejudice with the notation "no service see attached."

237. On June 24, 2014, First Commonwealth FCU requested that the civil case be reinstated with service to Ms. Frey via constable.

238. Thereafter, notice was issued that a hearing in *First Commonwealth FCU v. Jennifer L. Frey* was scheduled at Judge Tidd's district court on July 30, 2014.

239. By letter dated July 17, 2014 and addressed to Court Administrator Jill Smith, Judge Tidd requested a change of venue in *First Commonwealth FCU v. Jennifer L. Frey* because he was representing Ms. Frey in her bankruptcy matter.

240. On July 17, 2014, Judge Tidd filed a bankruptcy case under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Ms. Frey.

241. On July 23, 2014, President Judge Baratta entered an Order transferring *First Commonwealth FCU v. Jennifer L. Frey* to Magisterial District Judge Romig-Passaro.

242. First Commonwealth FCU is listed in Ms. Frey's Bankruptcy Petition at Schedule F, Unsecured Nonpriority Claims.

243. On February 10, 2014, Paul E. Getz, Jr. met with Judge Tidd at his law offices to discuss his representation of Mr. Getz in a potential bankruptcy matter. On January 20, 2015, Discover Bank filed a civil complaint against Mr. Getz in Judge Tidd's district court. *Discover Bank v. Getz, Jr.*, Docket No. MJ-03204-CV-0000005-2015. On February 11, 2015, Judge Tidd properly requested that *Discover Bank v. Getz, Jr.* be transferred out of his district court because his law firm represented the defendant in federal bankruptcy proceedings.

H. Failure to Wear Judicial Robes

244. Beginning in or about 2011 and continuing through February 2016, Judge Tidd routinely failed to wear his judicial robes when he conducted traffic summary trials, landlord-tenant hearings, preliminary arraignments and waivers of preliminary hearings at the counter of the reception area of his district court.

245. Beginning in 2011, former President Judge McFadden and Northampton County Court Administrators received complaints that Judge Tidd failed to wear his judicial robes when he conducted traffic summary trials, landlord-tenant hearings, preliminary arraignments, and waivers of preliminary hearings at the counter of the reception area of his district court.

246. On three occasions, beginning on August 11, 2011 and ending on February 13, 2012, former President Judge McFadden and Northampton County Court Administrators met with Judge Tidd to discuss complaints about his job performance as a magisterial district judge.

247. During the February 13, 2012 meeting, former President Judge McFadden specifically told Judge Tidd that hearings must be conducted in the courtroom and that he must wear his judicial robes while conducting hearings.

248. After the February 13, 2012 meeting with former President Judge McFadden and Northampton County Court Administrators, and continuing through February 2016, Judge Tidd routinely failed to wear his judicial robes while conducting traffic summary trials, landlord-tenant hearings, preliminary arraignments and waivers of preliminary hearings at the counter of his court.

I. Disregard for the Dignity of the Judicial Robes

249. On January 12, 2012, three traffic summary trials were scheduled for the same defendant at 11:30 a.m. in Judge Tidd's court. *Commonwealth v. Zheng*, Docket Nos. MJ-03204-TR-0003807-2011; MJ-03204-TR-0003808-2011; MJ-03204-TR-0003809-2011. At 11:00 a.m., Judge Tidd went into his office and closed the door. At 11:30 a.m., while Judge Tidd was still in his office with the door closed, a district court clerk accepted a guilty plea from the defendant in Docket No. MJ-03204-TR-0003809-2011. The charges in the other two cases were withdrawn. At 11:45 a.m., the court clerk knocked on Judge Tidd's door and entered his office to inform him that he had a telephone call. The court clerk observed Judge Tidd sleeping on the floor of his office in his judicial robes.

250. On the morning of January 23, 2012, when one of Judge Tidd's court clerks knocked on his office door to inform him of a phone call, she observed Judge Tidd sleeping on the floor of his office. Later that morning, when a court clerk knocked on his office door to inform him that a defendant had arrived, she observed Judge Tidd asleep on the floor of his office, wearing his judicial robes.

251. On May 27, 2015, when a court clerk stood in the doorway of Judge Tidd's court office to inform him that the parties were present for a scheduled hearing, she observed Judge Tidd sleeping on the floor. When Judge Tidd got up from his sleeping position on the floor of his office, his court clerk observed his judicial robes rolled up on the floor where he had used it as a pillow.

J. CHARGES

Count 1

Retaliation

252. By virtue of all or some of the conduct set forth in Part A, Judge Tidd violated Canon 2, Rule 2.16(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

253. Rule 2.16(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges provides:

A magisterial district judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a magisterial district judge or lawyer.

R.G.S.C.M.D.J. Canon 2, Rule 2.16(B).

254. By his April 23, 2015 conduct of confronting and intimidating his court clerks about complaints filed with the Board, Judge Tidd did retaliate against his court clerks because he knew or suspected that they had assisted or cooperated with the Board's investigation of his conduct.

255. By his May 19, 2015 conduct of cursing and yelling at one of his court clerks, based on his belief that she purposefully scheduled hearings on Primary Election day and had filed a complaint against him with the Board, Judge Tidd did

retaliate against his court clerk because he knew or suspected that she had assisted or cooperated with the Board's investigation of his conduct.

256. By his June 17, 2015 conduct of pressuring one of his court clerks to reveal information about her cooperation with the Board's investigation of his judicial conduct and asking her if she wanted to change her answers to his questions, Judge Tidd did retaliate against his court clerk because he knew or suspected that she had assisted or cooperated with the Board's investigation of his conduct.

257. By his June 18, 2015 email request to Northampton County Court Administration that one of his court clerks be transferred out of his district court, Judge Tidd did retaliate against that court clerk because he knew or suspected that she had assisted or cooperated with the Board's investigation of his conduct.

258. By his June 18, 2015 email request to Northampton County Court Administration that one of his former court clerks be barred from working at his district court, Judge Tidd did retaliate against that court clerk because he knew or suspected that she had assisted or cooperated with the Board's investigation of his conduct.

259. By his June 22, 2015, conduct of making disparaging remarks to a current court clerk about the recently transferred court clerk, Judge Tidd did retaliate against the recently transferred court clerk because he knew or suspected that she had assisted or cooperated with the Board's investigation of his conduct.

260. By his June 22, 2015 conduct of forbidding a current court clerk from communicating with two of his former clerks, Judge Tidd did retaliate against both of his former court clerks because he knew or suspected that they had assisted or cooperated with the Board's investigation of his conduct.

261. By his February 19, 2016 conduct of yelling at one of his court clerks and accusing her of being a liar, Judge Tidd did retaliate against that court clerk because he knew or suspected that she had assisted or cooperated with the Board's investigation of his conduct.

262. By his February 2016 conduct of calling Hellertown Borough Police Corporal Johnston and initiating a meeting with Hellertown Borough Police Chief Shupp for the purpose of asking them questions arising from his receipt of the Board's Notice of Full Investigation, Judge Tidd did retaliate against the two law enforcement officers because he knew or suspected that they had assisted or cooperated with the Board's investigation of his conduct.

263. By his May 8, 2016 conduct of requesting that Northampton County Court Administration transfer his two current court clerks to another district court, Judge Tidd did retaliate against those clerks because he knew or suspected that they had assisted or cooperated with the Board's investigation of his conduct.

264. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 2.16(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count 2

Improper Demeanor

A. Old Rule

265. By virtue of all or some of the conduct set forth in Part B, Judge Tidd violated Rule 4C of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

266. Rule 4C of the Old Rules Governing Standards of Conduct of Magisterial District Judges provides in pertinent part:

Magisterial district judges shall be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom they deal in their official capacity

R.G.S.C.M.D.J. No. 4C.

267. Judge Tidd knew that he was required by the Rules to conduct himself in a patient, dignified and courteous manner when dealing with his court clerks, litigants and others with whom he deals in his official capacity as a magisterial district judge.

268. By his 2011 through November 30, 2014 repeated disrespectful conduct toward his district court clerks, which frequently occurred in the presence of police officers, attorneys, litigants and other members of the public, Judge Tidd failed to treat those court clerks, with whom he deals in an official capacity, in a patient, dignified and courteous manner.

269. By his 2011 through November 30, 2014 conduct of belittling, yelling at and cursing when speaking to or in the presence of his district court clerks, which frequently occurred in the presence of police officers, attorneys, litigants and other members of the public, Judge Tidd failed to treat those court clerks, with whom he deals in an official capacity, in a patient, dignified and courteous manner.

270. By Judge Tidd's January 23, 2012 through November 30, 2014 conduct of making crude, derogatory and disrespectful comments about litigants who appeared before him in district court, in the presence of his court clerks, litigants, police officers, attorneys and other members of the public, with whom he deals in an official capacity, Judge Tidd failed to act in a patient, dignified and courteous manner.

271. By his January 25, 2012 conduct of cursing about pens that had run out of ink when he tried to sign a search warrant upon request of Detective Benton, Judge Tidd failed to act in a patient, dignified and courteous manner in front of his district court clerks, Detective Benton and a typewriter repairman with whom he deals in an official capacity.

272. By his January 30, 2012 use of a curse word when addressing Attorney Andres in the reception area of his district court, Judge Tidd failed to conduct himself in a patient, courteous and dignified manner in the presence of his district court clerks, a litigant and an attorney with whom he deals in an official capacity.

273. By his August 12, 2014 conduct of yelling and cursing at one of his district court clerks about a scheduling matter in the *Commonwealth v. Araujo* cases, MJ-03204-TR0001712-2014; MJ-03204-TR-1713-2014; and MJ-03204-TR-0001714-2014, Judge Tidd failed to treat that court clerk, with whom he deals in an official capacity, in a patient, courteous and dignified manner.

274. By his August 28, 2014 conduct of yelling and cursing at one of his district court clerks for saying "Huh," Judge Tidd failed to treat that court clerk, with whom he deals in an official capacity, in a patient, courteous and dignified manner.

275. By his October 8, 2014 comments about conducting a DUI hearing in *Commonwealth v. Butler*, Docket No. MJ-03204-CR-0000198-2014, which occurred in the presence of his district court clerks, Judge Tidd failed to treat those court clerks, with whom he deals in an official capacity, in a patient, courteous and dignified manner.

276. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 4C of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

277. By virtue of all or some of the conduct set forth in Part B, Judge Tidd violated Canon 2, Rule 2.8(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

278. Rule 2.8(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges provides in pertinent part:

A magisterial district judge shall be patient, dignified, and courteous to litigants, witnesses, lawyers, authorized representatives, court staff, court officials, and others with whom the magisterial district judge deals in an official capacity

R.G.S.C.M.D.J. Canon 2, Rule 2.8(B).

279. Judge Tidd knew that he was required by the Rules to conduct himself in a patient, dignified and courteous manner when dealing with his court clerks, litigants and others with whom he deals in his official capacity as magisterial district judge.

280. By his December 1, 2014 through February 2016 repeated disrespectful conduct toward his district court clerks, which frequently occurred in the presence of police officers, attorneys, litigants and other members of the public, Judge Tidd failed to treat those court clerks, with whom he deals in an official capacity, in a patient, dignified and courteous manner.

281. By his December 1, 2014 through February 2016 conduct of belittling, yelling at and cursing when speaking to or in the presence of his district court clerks, which frequently occurred in the presence of police officers, attorneys, litigants and other members of the public, Judge Tidd failed to treat those court clerks, with whom he deals in an official capacity, in a patient, dignified and courteous manner.

282. By his April 23, 2015 conduct of locking the public out and his court clerks inside his district court and "ranting" at them for approximately 30 minutes about the complaints filed against him with the Judicial Conduct Board, Judge Tidd failed to treat those court clerks, with whom he deals in an official capacity, in a patient, dignified and courteous manner.

283. By his May 19, 2015 conduct of yelling and cursing during a telephone conversation with the court clerk who notified him about scheduled hearings at his district court on Primary Election Day, Judge Tidd failed to treat that court clerk, with whom he deals in an official capacity, in a patient, dignified and courteous manner.

284. By his May 19, 2015 conduct of yelling and cursing at his court clerk on Primary Election Day, in-person and in the presence of a police officer and other court clerks in the reception area of his district court, Judge Tidd failed to treat that court clerk, with whom he deals in an official capacity, in a patient, dignified and courteous manner.

285. By his conduct of calling his court clerk a "mother fucker", during the two to three-weeks preceding February 19, 2016, Judge Tidd failed to treat that court clerk, with whom he deals in an official capacity, in a patient, dignified and courteous manner.

286. By his February 19, 2016 confrontational conduct of yelling and cursing at one of his district court clerks, after he received the Board's Notice of Full Investigation, Judge Tidd failed to treat that court clerk, with whom he deals in an official capacity, in a patient, dignified and courteous manner.

287. As a result of all of the conduct set forth above, Judge Tidd did violate Canon 2, Rule 2.8(B) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count 3

Ex Parte Communications

A. Old Rule

288. By virtue of all or some of the conduct set forth in Parts C & D, Judge Tidd violated Rule 4D of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

289. Rule 4D of the Old Rules Governing Standards of Conduct of Magisterial District Judges provides in pertinent part:

Magisterial district judges shall . . . except as authorized by law, neither initiate nor consider *ex parte* or other communications concerning a pending or impending proceeding.

R.G.S.C.M.D.J. No. 4D.

290. By his 2011 through November 30, 2014 repeated conduct of discussing summary traffic charges with defendants before the citing police officers arrived at his district court, and asking the defendants if they would enter guilty pleas to lesser summary traffic charges, Judge Tidd initiated and considered *ex parte* communications about pending matters.

291. By his 2011 through November 30, 2014 repeated conduct of discussing summary traffic charges with police officers before the defendants arrived for their traffic summary trials at the district court, Judge Tidd initiated and considered *ex parte* communications about pending matters

292. By his 2011 through November 30, 2014 repeated conduct of calling a citing police officer on the telephone to ask if the officer would agree to a lesser summary traffic charge, Judge Tidd did initiate and consider *ex parte* communications about pending matters.

293. Judge Tidd admitted that he engaged in discussions of summary traffic matters with one party, either the defendant or the police officer, to the exclusion of the other, about pending matters.

294. By his 2011 through November 30, 2014 conduct in discussing summary traffic charges with one party to the exclusion of the other, Judge Tidd did initiate and consider *ex parte* communications about pending matters. Those cases include: *Commonwealth v. Fiorino*, MJ-03204-TR-0003184-2011; *Commonwealth v. Groves*, MJ-03204-TR-0003937-2011; the January 23, 2012 expunged matter wherein Attorney Potts represented the defendant, MJ-03204-CR-0000463-2011; *Commonwealth v. Desmond*, MJ-03204-TR-0003848-2011; *Commonwealth v. Freed*, MJ-03204-TR-0003421-2011 and MJ-03204-TR-0003422-2011; *Commonwealth v. Garippa*, MJ-03204-TR-0003936-2011; *Commonwealth v. Farb*, MJ-03204-TR-0001607-2014; and *Commonwealth v. Martin*, MJ-03204-TR-0001268-2014.

295. By his January 2010 through November 30, 2014 conduct of calling Attorney Burke and advising him to come to the district court to resolve outstanding parking tickets, Judge Tidd did initiate and consider *ex parte* communications about pending matters.

296. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 4D of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

297. By virtue of all or some of the conduct set forth in Parts C & D, Judge Tidd violated Canon 2, Rule 2.9(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

298. Rule 2.9(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges provides in pertinent part:

A magisterial district judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the magisterial district judge outside the presence of the parties or their lawyers or authorized representatives, concerning a pending or impending matter. . . .

R.G.S.C.M.D.J. Canon 2, Rule 2.9(A).

299. By his December 1, 2014 through February 2016 repeated conduct of discussing summary traffic charges with defendants before the citing police officers arrived at his district court, and asking the defendants if they would enter guilty pleas to lesser summary traffic charges, Judge Tidd did initiate, permit and consider *ex parte* communications about pending matters.

300. By his December 1, 2014 through February 2016 repeated conduct of discussing summary traffic charges with police officers before the defendants arrived for their traffic summary trials at district court, Judge Tidd did initiate, permit and consider *ex parte* communications about pending matters.

301. By his December 1, 2014 through February 2016 repeated conduct of calling a citing police officer on the telephone to ask if the officer would agree to a lesser summary traffic charge, Judge Tidd did initiate, permit and consider *ex parte* communications about a pending matter.

302. By his December 30, 2014 through February 2016 conduct in discussing summary traffic charges with one party to the exclusion of the other, Judge Tidd did initiate, permit and consider *ex parte* communications about pending matters. Case examples of such conduct include the following: *Commonwealth v. Melhem III*, MJ-03204-TR-0000653-2015 and the May 2015 case in which Officer Messinger agreed to a lesser summary charge by telephone.

303. Judge Tidd admitted that he engaged in such discussions of summary traffic matters with defendants and police officers to save time.

304. By his December 1, 2014 through January 2016 conduct of calling Attorney Burke and advising him to come to the district court to resolve outstanding parking tickets, Judge Tidd did initiate, permit and consider *ex parte* communications about pending matters.

305. As a result of all of the conduct set forth above, Judge Tidd did violate Canon 2, Rule 2.9(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count 4

Special Consideration

A. Old Rule

306. By virtue of all or some of the conduct set forth in Part D, Judge Tidd violated Rule 2A of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

307. Rule 2A of the Old Rules Governing Standards of Conduct of Magisterial District Judges is titled "Impropriety and the Appearance of Impropriety" and provides in pertinent part:

A. Magisterial district judges shall . . . conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Magisterial district judges shall not allow their family, social or other relationships to influence their judicial conduct or judgment. They shall not lend the prestige of the office to advance the private interest of others, nor shall they convey or permit others to convey the impression that they are in a special position to influence the judge.

R.G.S.C.M.D.J. No. 2A.

308. By his January 2010 through November 30, 2014 conduct of instructing his staff to track Attorney Burke's unpaid parking citations, to hold back warrants and to waive constable fees on warrants that did issue to Attorney Burke, Judge Tidd did:

- a. undermine public confidence in the integrity and impartiality of the judiciary;
- b. allow his social and professional relationship with Attorney Burke to influence his judicial conduct and judgment;
- c. lend the prestige of his office to advance the private interests of his friend, Attorney Burke;

- d. convey to Attorney Burke that he was in a special position to influence him; and
- e. convey to his court clerks that Attorney Burke was in a special position to influence him.

309. By his January 2010 through November 30, 2014 conduct of calling Attorney Burke and advising him to come to the district court to pay his traffic citations, Judge Tidd did:

- a. undermine public confidence in the integrity and impartiality of the judiciary;
- b. allow his social and professional relationship with Attorney Burke to influence his judicial conduct and judgment;
- c. lend the prestige of his office to advance the private interests of his friend, Attorney Burke;
- d. convey to Attorney Burke that he was in a special position to influence him; and
- e. convey to his court clerks that Attorney Burke was in a special position to influence him.

310. Judge Tidd's conduct of instructing his staff to track Attorney Burke's unpaid parking citations, to hold back warrants and to waive constable fees on warrants that did issue to Attorney Burke was improper and gave the appearance of impropriety.

311. Judge Tidd's conduct of calling Attorney Burke and advising him to come to the district court to pay his traffic citations was improper and gave the appearance of impropriety.

312. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 2A of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

313. By virtue of all or some of the conduct set forth in Part D, Judge Tidd violated Canon 1, Rule 1.2 of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

314. Canon 1, Rule 1.2 of the New Rules Governing Standards of Conduct of Magisterial District Judges is titled "Promoting Confidence in the Judiciary" and provides:

A magisterial district judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

R.G.S.C.M.D.J. Canon 1, Rule 1.2.

315. By his December 1, 2014 through January 19, 2016 conduct of instructing his staff to track Attorney Burke's unpaid parking citations, to hold back warrants and to waive constable fees on warrants that did issue to Attorney Burke, Judge Tidd did undermine public confidence in the independence, integrity and impartiality of the judiciary.

316. By his December 1, 2014 through January 19, 2016 conduct of calling Attorney Burke and advising him to come to the district court to pay his traffic citations, Judge Tidd did undermine public confidence in the independence, integrity and impartiality of the judiciary.

317. Judge Tidd's December 1, 2014 through January 19, 2016 conduct of instructing his staff to track Attorney Burke's unpaid parking citations, to hold back warrants and to waive constable fees on warrants that did issue to Attorney Burke was improper and gave the appearance of impropriety.

318. Judge Tidd's December 1, 2014 through January 19, 2016 conduct of calling Attorney Burke and advising him to come to the district court to pay his traffic citations was improper and gave the appearance of impropriety.

319. As a result of all of the conduct set forth above, Judge Tidd did violate Canon 1, Rule 1.2 of the New Rules Governing Standards of Conduct of Magisterial District Judges.

C. New Rule

320. By virtue of all or some of the conduct set forth in Part D, Judge Tidd violated Canon 2, Rule 2.4(B) & (C) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

321. Canon 2, Rule 2.4 of the New Rules Governing Standards of Conduct of Magisterial District Judges is titled "External Influences on Judicial Conduct" and provides in part:

(A) A magisterial district judge shall not permit family, social, political, financial, or other interests or relationships to influence the magisterial district judge's judicial conduct or judgment.

(B) A magisterial district judge shall not convey or permit others to convey the impression that a person or organization is in a position to influence the magisterial district judge.

R.G.S.C.M.D.J. Canon 2, Rule 2.4.

322. By his December 1, 2014 through January 19, 2016 conduct of instructing his staff to track Attorney Burke's unpaid parking citations, to hold back warrants and to waive constable fees on warrants that did issue to Attorney Burke, Judge Tidd did:

- a. permit his social, political or other interests or relationships to influence his judicial conduct or judgment in violation of Rule 2.4(B); and
- b. convey or permit others to convey the impression that Attorney Burke was in a position to influence him in violation of Rule 2.4(C).

323. By his December 1, 2014 through January 19, 2016 conduct of calling Attorney Burke and advising him to come to the district court to pay his traffic citations, Judge Tidd did:

- a. permit his social, political or other interests or relationships to influence his judicial conduct or judgment in violation of Rule 2.4(B);
- b. convey the impression that Attorney Burke was in a position to influence him in violation of Rule 2.4(C).

324. As a result of all of the conduct set forth above, Judge Tidd did violate Canon 2, Rule 2.4(B)&(C) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count 5

Failure to Recuse

A. Old Rule

325. By virtue of all or some of the conduct set forth in Parts E & G, Judge Tidd violated Rule 8A(1) of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014, and is therefore

subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

326. Rule 8A(1) of the Old Rules Governing Standards of Conduct of Magisterial District Judges is titled "Disqualification" and provides:

A. Magisterial district judges shall disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where:

(1) they have a personal bias or prejudice concerning a party
.....

R.G.S.C.M.D.J. No. 8A(1).

327. Between January 2010 and November 30, 2014, Judge Tidd presided over numerous cases wherein Attorney Burke represented litigants.

328. Based on his friendship with Attorney Burke, Judge Tidd's impartiality might reasonably be questioned in cases where Attorney Burke represented litigants in Judge Tidd's district court.

329. Based on his friendship with Attorney Burke, Judge Tidd's impartiality might reasonably be questioned as to whether he had a personal bias or prejudice in cases in which Attorney Burke represented litigants in Judge Tidd's district court.

330. Judge Tidd had a duty to disqualify himself in all proceedings in which Attorney Burke represented litigants in his district court because his impartiality might reasonably be questioned.

331. By his failure to recuse himself from the January 2010 through November 30, 2014 proceedings in which Attorney Burke represented litigants in his district court, Judge Tidd's impartiality might reasonably be questioned.

332. On or before February 23, 2006, Judge Tidd or his law partner, John Everett Cook, Esquire, agreed to represent Jose and Maria Nieves in U.S. Bankruptcy Court.

333. While his law firm continued to represent the Nieves in their federal bankruptcy proceeding, on October 1, 2010, Judge Tidd entered judgment in a civil matter filed against Ms. Nieves in his district court on August 31, 2010. *Society Hill at Saucon Valley v. Maria Nieves*, Docket No. MJ-03204-CV-0000134-10.

334. Judge Tidd's ability to be impartial in *Society Hill at Saucon Valley v. Nieves*, Docket No. MJ-03204-CV-0000134-10, could reasonably be questioned because his law firm represented Ms. Nieves in federal bankruptcy court.

335. Judge Tidd did not request a change of venue for *Society Hill at Saucon Valley v. Nieves*, Docket No. MJ-03204-CV-0000134-10.

336. On or about November 9, 2012, Judge Tidd agreed to represent Gilberto Cruz in his federal bankruptcy matters.

337. After DeWire Dental filed a July 10, 2013 civil case in Judge Tidd's district court against Mr. Cruz (*DeWire Dental LLC v. Cruz*, Docket No. MJ-03204-CV-0000105), Judge Tidd's law firm filed a July 30, 2013 petition and an October 1, 2013 amended statement in U.S. Bankruptcy Court.

338. While his firm continued to represent Mr. Cruz in federal bankruptcy court, on October 7, 2013, Judge Tidd entered judgment in his district court for the plaintiff in *DeWire Dental LLC v. Cruz*.

339. Judge Tidd's ability to be impartial in *DeWire Dental v. Cruz LLC* could reasonably be questioned because his law firm represented Mr. Cruz in federal bankruptcy court.

340. Judge Tidd did not request a change of venue in *DeWire Dental LLC v. Cruz*.

341. On or about March 7, 2014, Judge Tidd agreed to represent Jennifer L. Frey in U.S. Bankruptcy Court.

342. While his firm continued to represent Ms. Frey in her bankruptcy matters, on June 2, 2014, Judge Tidd dismissed without prejudice a civil matter filed against her in his district court on May 23, 2014. *First Commonwealth FCU v. Frey*, Docket No. MJ-03204-CV-0000058-2014.

343. After First Commonwealth requested reinstatement of the case and it was rescheduled for a hearing in his district court, on July 17, 2014, Judge Tidd requested a change of venue in *First Commonwealth FCU v. Frey*.

344. Judge Tidd's ability to be impartial in his June 2, 2014 ruling in *First Commonwealth FCU v. Frey* could reasonably be questioned because his law firm represented Ms. Fry.

345. Prior to his June 2, 2014 ruling in *First Commonwealth FCU v. Frey*, Judge Tidd did not request a change of venue.

346. Based on Ms. Blair's position as landlord of his district court building, Judge Tidd's ability to be impartial in his June 11, 2013 ruling in *Commonwealth v. Blair* could reasonably be questioned.

347. Based on Ms. Blair's position as landlord of his district court building, Judge Tidd's impartiality might reasonably be questioned as to whether he had a personal bias or prejudice in her favor when deciding to dismiss *Commonwealth v. Blair*.

348. Prior to his June 11, 2013 dismissal of *Commonwealth v. Blair*, Judge Tidd did not request a change of venue.

349. Judge Tidd had a duty to disqualify himself in the *Nieves, Cruz, Frey* and *Blair* proceedings because his ability to be impartial might reasonably be questioned.

350. By Judge Tidd's failure to recuse himself from the *Nieves, Cruz, Frey* and *Blair* proceedings assigned to his district court, his impartiality might reasonably be questioned.

351. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 8A(1) of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

352. By virtue of all or some of the conduct set forth in Part E, Judge Tidd violated Canon 2 Rule 2.11(A)(1) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

353. Rule 2.11(A)(1) of the New Rules Governing Standards of Conduct of Magisterial District Judges is titled "Disqualification" and provides:

(C) A magisterial district judge shall disqualify himself or herself in any proceeding in which the magisterial district judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The magisterial district judge has a personal bias or prejudice concerning a party or a party's lawyer

R.G.S.C.M.D.J. Canon 2, Rule 2.11(A)(1).

354. Between December 1, 2014 and in or about June, 2016, Judge Tidd presided over cases wherein Attorney Burke represented litigants.

355. Based on his friendship with Attorney Burke, Judge Tidd's impartiality might reasonably be questioned in cases wherein Attorney Burke represents litigants in Judge Tidd's district court.

356. Based on his friendship with Attorney Burke, Judge Tidd's impartiality might reasonably be questioned as to whether he has a personal bias or prejudice wherein Attorney Burke represents litigants in cases in Judge Tidd's district court.

357. By his April 2016 conduct of failing to recuse from *Commonwealth v. Lohman*, Judge Tidd's impartiality might reasonably be questioned.

358. Judge Tidd had a duty to disqualify himself from all proceedings in which Attorney Burke represented litigants in his district Court because his impartiality might reasonably be questioned.

359. By his failure to recuse himself from the December 1, 2014 through June 2016 proceedings in which Attorney Burke represented litigants in his district court, Judge Tidd's impartiality might reasonably be questioned.

360. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 2.11(A)(1) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count 6

Failure to Accord Full Right to Be Heard

A. Old Rule

361. By virtue of all or some of the conduct set forth in Part F, Judge Tidd violated Rule 4D of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

362. Rule 4D of the Old Rules Governing Standards of Conduct of Magisterial District Judges provides in pertinent part:

Magisterial district judges shall accord to every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law

R.G.S.C.M.D.J. No. 4D.

363. By his 2011 through November 30, 2014 routine conduct of encouraging plea deals in traffic summary trials at the counter of the reception area of his district court while dressed in street clothes, Judge Tidd failed to accord every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law.

364. By his 2011 through November 30, 2014 routine conduct of failing to conduct traffic summary trials in the courtroom, with an opportunity for the presentation of facts and evidence, Judge Tidd failed to accord every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law.

365. By his 2011 through November 30, 2014 conduct of failing to conduct all landlord-tenant hearings in the courtroom with an opportunity for the presentation of facts and evidence, including *Diehl v. Warja's*, Docket No. MJ-03204-LT-0000002-2012, Judge Tidd failed to provide every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law.

366. By his 2011 through November 30, 2014 conduct of failing to conduct in-person preliminary arraignments in the courtroom, to explain the charges to the defendants and to advise the defendants of their right to counsel, Judge Tidd failed

to provide every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law.

367. By his 2011 through November 30, 2014 conduct of failing to dedicate sufficient time to conducting video preliminary arraignments with ample opportunity to explain the charges to the defendants and to advise the defendants of their right to counsel, Judge Tidd failed to provide every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law.

368. By his 2011 through November 30, 2014 conduct of conducting waivers of preliminary hearings at the counter of the reception area of his district court, Judge Tidd failed to provide every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law.

369. By his 2011 through November 30, 2014 conduct of instructing his court clerks to act in his stead and to "handle" court matters when he was either absent from the district court, presiding over other matters in the courtroom or otherwise unavailable, Judge Tidd failed to accord every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law.

370. By his February 6, 2012 conduct of conducting preliminary arraignments by telephone rather than with the audio and video feed of the Polycom, Judge Tidd failed to provide the nine criminal defendants who were legally interested in the arraignment proceedings, or their lawyers, full right to be heard according to the law. *Commonwealth v. Kaitlyn M. Boullosa*, MJ-03104-CR-0000-251-2010; *Commonwealth v. Carole Jackson*, MJ-03104-MD-0000005-2012; *Commonwealth v. Robert Jackson*, MJ-03104-MD-0000004-2012; *Commonwealth v. Henry Hughes*, MJ-03206-CR-0000015-2012; *Commonwealth v. Quincy Wilson*, MJ-03212-CR-

0000026-2012; *Commonwealth v. Jose L. Rodriguez*, MJ-03211-CR-0000046-2012; *Commonwealth v. Sandro Alonso*, MJ-03211-CR-0000047-2012; *Commonwealth v. Julius Stevenson* MJ-03211-CR-0000013-2012; and *Commonwealth v. Jessica I. Pedroza*, MJ-03211-CR-0000048-2012.

371. By his May 23, 2014 conduct of dismissing two summary traffic charges and accepting a reduced plea to a third summary traffic charge in *Commonwealth v. Clark*, MJ-03204-TR-0001252-2014; MJ-03204-TR-0001253-2014; and MJ-03204-TR-0001254-2014, without confirming that the defendant had resolved the charged issues, Judge Tidd failed to accord every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law.

372. By his August 27, 2014 conduct of conducting the arraignment in *Commonwealth v. Passaro*, MJ-03204-CR-0000051-2011, without an officer to serve the warrant, without explaining the charges to the defendant or asking questions of him before releasing him on unsecured bail, Judge Tidd failed to accord every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law.

373. By his August 11, 2014 conduct of failing to conduct a full preliminary arraignment in *Commonwealth v. Hodjimetov*, a felony criminal case wherein the defendant was also subject to immigration charges, and his failure to obtain information from the arresting officer relative to the specific enumerated bail criteria, Judge Tidd failed to accord to every person who is legally interested a proceeding, or their lawyer, full right to be heard according to law.

374. By his 2011 through November 30, 2014 conduct of directing his court clerks to change his rulings in cases when a party fails to show at a scheduled hearing, but then appears at district court later that same day, Judge Tidd failed to accord every person who is legally interested in a proceeding, or their lawyer, full right to be heard according to law.

375. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 4D of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

376. By virtue of all or some of the conduct set forth in Part F, Judge Tidd violated Canon 2, Rule 2.6(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

377. Rule 2.6(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges provides:

A magisterial district judge shall accord to every person or entity who has a legal interest in a proceeding, or that person or entity's lawyer or authorized representative, the right to be heard according to law.

R.G.S.C.M.D.J. Canon 2, Rule No. 2.6(A).

378. By his December 1, 2014 through February 2016 routine conduct of encouraging plea deals in traffic summary trials at the counter of the reception area of his district court while dressed in street clothes, Judge Tidd failed to accord to every person or entity who has a legal interest in the proceeding, or that person or entity's lawyer or legal representative, the right to be heard according to law.

379. By his December 1, 2014 through February 2016 routine conduct of failing to conduct traffic summary trials in the courtroom, with an opportunity for the presentation of facts and evidence, Judge Tidd failed to accord to every person or entity who has a legal interest in the proceeding, or that person or entity's lawyer or legal representative, the right to be heard according to law.

380. By his December 1, 2014 through February 2016 conduct of failing to conduct all landlord-tenant hearings in the courtroom with an opportunity for the presentation of facts and evidence, Judge Tidd failed to accord to every person or entity who has a legal interest in the proceeding, or that person or entity's lawyer or legal representative, the right to be heard according to law.

381. By his December 1, 2014 through February 2016 conduct of failing to conduct in-person preliminary arraignments in the courtroom, to explain the charges to the defendants and to advise the defendants of their right to counsel, Judge Tidd failed to accord to every person or entity who has a legal interest in the proceeding, or that person or entity's lawyer or legal representative, the right to be heard according to law.

382. By his December 1, 2014 through February 2016 conduct of failing to dedicate sufficient time to conducting video preliminary arraignments, with ample opportunity to explain the charges to the defendants and to advise the defendants of their right to counsel, Judge Tidd failed to accord to every person or entity who has a legal interest in the proceeding, or that person or entity's lawyer or legal representative, the right to be heard according to law.

383. By his December 1, 2014 through February 2016 conduct of conducting waivers of preliminary hearings at the counter of the reception area of his district court, Judge Tidd failed to accord to every person or entity who has a legal interest in the proceeding, or that person or entity's lawyer or legal representative, the right to be heard according to law.

384. By his December 1, 2014 through June 19, 2015 conduct of instructing his court clerks to "handle" court matters when he was either absent from the district court, presiding over other matters in the courtroom or otherwise unavailable, Judge Tidd failed to accord to every person or entity who has a legal interest in a proceeding, or that person or entity's lawyer or legal representative, the right to be heard according to law.

385. By his May 26, 2015 conduct of presiding over waivers of preliminary hearings at the counter of the reception area of his district court in *Commonwealth v. Ridner*, MJ-03204-CR-0000081-2015 and *Commonwealth v. Beaver*, MJ-03204-CR-0000083-2015, wherein the defendants were not represented by counsel and the police officer had not yet arrived for the hearings, Judge Tidd failed to accord to every person or entity who has a legal interest in the proceeding, or that person or entity's lawyer or legal representative, the right to be heard according to law.

386. By his May 27, 2015 conduct of accepting the defendant's guilty plea by telephone in *Commonwealth v. Hazeltine*, MJ-03204-CR-0000088-2015, even though the police officer was present at the district court for the criminal hearing, Judge Tidd failed to accord to every person or entity who has a legal interest in the proceeding, or that person or entity's lawyer or legal representative, the right to be heard according to law.

387. By his December 1, 2014 through February 2016 conduct of directing his court clerks to change his rulings in cases when a party fails to show at a scheduled hearing but then appears at district court later that same day, Judge Tidd failed to accord to every person or entity who has a legal interest in the proceeding, or that person or entity's lawyer or legal representative, the right to be heard according to law.

388. As a result of all of the conduct set forth above, Judge Tidd did violate Canon 2, Rule 2.6(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count 7

Conflicts of Interest

A. Old Rule

389. By virtue of all or some of the conduct set forth in Part G, Judge Tidd violated Rule 14A of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

390. Rule 14 of the Old Rules Governing Standards of Conduct of Magisterial District Judges is titled "Prohibited Practice of Attorney Magisterial District Judges" and provides in part:

A. Attorneys who are magisterial district judges shall not . . . act as a lawyer in a proceeding in which they have served as a magisterial district judge or in any other proceeding related thereto.

R.G.S.C.M.D.J. No. 14A.

391. Between January 2010 and November 30, 2014, fourteen civil credit or debt matters were assigned to Judge Tidd's district court wherein the defendants were represented by Judge Tidd's law firm in related federal bankruptcy cases.

392. Judge Tidd properly requested a change of venue in two of the fourteen civil credit or debt cases assigned to his district court wherein the defendants were represented by Judge Tidd's law firm in related federal bankruptcy cases. *Society Hill at Saucon Valley v. David Nieves, II & Maria Nieves*, MJ-03204-CV-0000053-2011 and *Calvary SPV I, LLC v. Repash*, Docket No. MJ-03204-CV-000084-2013.

393. Between January 2010 and November 30, 2014, Judge Tidd and or his law partner provided legal representation in federal bankruptcy court for the nine defendants whose twelve civil credit or debt cases were decided, pending or impending in Judge Tidd's district court:

<u>Case Name</u>	<u>Docket No.</u>
<i>Capital One Bank v. Ziegler</i>	MJ-03204-CV-0000190-2011
<i>Equable Ascent Financial LLC v. Cortez</i>	MJ-03204-CV-0000143-2010
<i>First Financial Investment Fund v. Cortez</i>	MJ-03204-CV-0000038-2012
<i>Security Credit Services v. Cortez</i>	MJ-03204-CV-0000123-2013
<i>Target National Bank v. Pagel</i>	MJ-03204-CV-0000025-2012
<i>PPL Electric v. Craig</i>	MJ-03204-CV-0000162-2012
<i>Discover Bank v. Lonna Deschler</i>	MJ-03204-CV-0000175-2012
<i>Discover Bank v. Tyrone Deschler</i>	MJ-03204-CV-0000009-2013
<i>DeWire Dental LLC v. Cruz</i>	MJ-03204-CV-0000105-2013
<i>Calvary SPV I, LLC v. Killo</i>	MJ-03204-CV-0000144-2013
<i>FFIF-ACM-Opportunity Fund v. Killo</i>	MJ-03204-CV-0000173-2013
<i>First Commonwealth FCU v. Frey</i>	MJ-03204-CV-0000058-2014

394. Judge Tidd admitted that he narrowly interpreted the September 25, 2011 advisory opinion issued by the Special Courts Judges Association Ethics and Professionalism Committee to suit his own purposes of providing legal representation for bankruptcy clients at his law practice.

395. By his conduct of representing clients in federal bankruptcy court whose civil credit or debt matters were decided, pending or impending before him in his district court, Judge Tidd did act as a lawyer in a proceeding related to civil cases in which he had served as a magisterial judge.

396. Shortly after February 18, 2011, Judge Tidd agreed to represent a litigant in an enforcement action in the Court of Common Pleas of Northampton County. The case arose from a civil action which Judge Tidd had decided in his district court on October 1, 2010. *Society Hill at Saucon Valley v. Maria Nieves*. Docket Nos. C-0048-CV-2011-01498 & MJ-03204-CV-0000134-10.

397. By his legal representation of the litigant in the enforcement action, Judge Tidd did act as a lawyer in a proceeding related to a civil case in which he served as a magisterial judge.

398. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 14A of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

399. By virtue of all or some of the conduct set forth in Part G, Judge Tidd violated Canon 3, Rule 3.10(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

400. Rule 3.10 of the New Rules Governing Standards of Conduct of Magisterial District Judges is titled "Prohibited Practice of Attorney Magisterial District Judges" and provides in part:

- A. Attorneys who are magisterial district judges shall not . . . act as a lawyer in a proceeding in which they have served as a magisterial district judge or in any other proceeding related thereto.

R.G.S.C.M.D.J. Canon 3, Rule 3.10(A).

401. Between December 1, 2014 and April 2016, two civil credit or debt matters were assigned to Judge Tidd's district court which were related to bankruptcy cases in his law practice.

402. Judge Tidd admitted that he narrowly interpreted the September 25, 2011 advisory opinion from the Special Courts Judges Association Ethics and Professionalism Committee to suit his own purposes of providing legal representation for bankruptcy clients at his law practice.

403. Judge Tidd properly requested a change of venue in one civil credit or debt case which was related to a bankruptcy case in his law practice. *Discover Bank v. Getz, Jr.*, Docket No. MJ-03204-CV-0000005-2015.

404. Between December 1, 2014 and April 2016, Judge Tidd and or his law partner, John Everett Cook, Esquire, provided legal representation in federal bankruptcy court for the defendant in one civil credit or debt case which was decided, pending or impending in Judge Tidd's district court. *Capital One Bank USA v. Trexler*, Docket No. MJ-03204-CV-0000015-2014.

405. By his conduct of representing a litigant in federal bankruptcy court on March 6, 2015, when he had previously decided her civil credit or debt case in his district court on March 12, 2014, Judge Tidd did act as a lawyer in a proceeding related to a civil case in which he served as a magisterial district judge.

406. As a result of all of the conduct set forth above, Judge Tidd did violate Canon 3, Rule 3.10(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count 8

Failure to Prioritize Business of the Court

407. By virtue of all or some of the conduct set forth in Part G, Judge Tidd violated Rule 3A of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

408. Rule 3 of the Old Rules Governing Standards of Conduct of Magisterial District Judges is titled "Priority of Judicial Business" and provides in pertinent part:

A. Magisterial district judges shall devote the time necessary for the prompt disposition of the business of their office, which shall be given priority over any other occupation, business, profession, pursuit or activity.

R.G.S.C.M.D.J. No. 3A.

409. On or about December 13, 2011, Judge Tidd knowingly agreed to represent a debtor in bankruptcy court even though her civil credit case was pending in his district court since October 27, 2011. *Capital One Bank v. Ziegler*

410. In order to take the debtor on as his client, on December 15, 2011, Judge Tidd requested a change of venue for the debtor's case.

411. By his conduct of transferring a case out of his court so as to reap the financial reward of taking on the debtor as a new bankruptcy client, Judge Tidd gave priority to his law business over the prompt disposition of the debtor's case pending in his district court.

412. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 3A of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

Count 9

Failure to Wear Judicial Robes

A. Old Rule

413. By virtue of all or some the facts set forth in Part H, Judge Tidd violated Rule 4B of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014 and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

414. Rule 4B provides in pertinent part:

Magisterial district judges . . . shall wear judicial robes while conducting hearings and trials.

R.G.S.C.M.D.J. No. 4B.

415. Beginning in or about 2011 and continuing through November 30, 2014, Judge Tidd routinely failed to wear his judicial robes when he presided over traffic summary trials, landlord-tenant hearings, preliminary arraignments and preliminary hearings at the counter of the reception area of his district court.

416. On February 13, 2012, former President Judge McFadden specifically directed Judge Tidd to wear his judicial robes when he conducted hearings and trials and to conduct such proceedings in the courtroom.

417. Judge Tidd knew that under the Rules, he was required to wear his judicial robes when presiding over hearings and trials.

418. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 4B of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

419. By virtue of all or some the facts set forth in Part H, Judge Tidd violated Canon 2, Rule 2.8(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges, effective beginning December 1, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

420. Rule 2.8(A) provides in pertinent part:

A magisterial district judge . . . shall wear judicial robes while conducting hearings and trials.

R.G.S.C.M.D.J. Canon 2, Rule No. 2.8(A).

421. Beginning in or about December 1, 2014 and continuing through February 2016, Judge Tidd routinely failed to wear his judicial robes when he presided over traffic summary trials, landlord-tenant hearings, preliminary arraignments and preliminary hearings at the counter of the reception area of his district court.

422. Judge Tidd knew that under the Rules, he was required to wear his judicial robes when presiding over hearings and trials.

423. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 2.8(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count 10

Disregard for Dignity of Judicial Robes

A. Old Rule

424. By virtue of all or some of the conduct set forth in Part I, Judge Tidd violated Rule 2(A) of the Old Rules Governing Standards of Conduct of Magisterial District Judges, effective through November 30, 2014 and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

425. Old Rule 2A is entitled in part: "Impropriety and the Appearance of Impropriety to be Avoided."

426. Old Rule 2A provides in pertinent part:

Magisterial district judges shall . . . conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

R.G.S.C.M.D.J. No. 2A.

427. On January 12 and 23, 2012, district court staff observed Judge Tidd sleeping on the floor of his district court office while wearing his judicial robes.

428. Judge Tidd's conduct of sleeping in his judicial robes on the floor of his district court office undermined the dignity of the judicial office, was improper and gave the appearance of impropriety.

429. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 2A of the Old Rules Governing Standards of Conduct of Magisterial District Judges.

B. New Rule

430. By virtue of all or some of the conduct set forth in Part I, Judge Tidd violated Canon 1, Rule 1.2 of the New Rules Governing Standards of Conduct of

Magisterial District Judges, effective beginning December 1, 2014, and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

431. New Rule 1.2 provides:

A magisterial district judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

R.G.S.C.M.D.J. Canon 1, Rule No. 1.2.

432. On or about May 27, 2015, district court staff observed Judge Tidd sleeping on the floor of his district court office, using his rolled up judicial robes as a pillow.

433. Judge Tidd's conduct of sleeping on the floor of his district court office, while using his rolled up judicial robes as a pillow, undermined the dignity of the judicial office, was improper and gave the appearance of impropriety.

434. As a result of all of the conduct set forth above, Judge Tidd did violate Rule 1.2 of the New Rules Governing Standards of Conduct of Magisterial District Judges.

Count 11

435. By virtue of some or all of the facts set forth in Parts A through I, Judge Tidd violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania, and is therefore subject to discipline pursuant to Article V, § 18(d)(1).

436. Article V, § 17(b) provides in part:

Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

437. A violation of the Code of Judicial Conduct is an automatic derivative violation of Article V, § 17(b).

438. Judge Tidd did violate Article V, § 17(b) as a direct result of his violation of Rules 2A, 3A, 4B, 4C, 4D, 8A(1) & 14A of the Old Rules Governing Standards of Conduct of Magisterial District Judges

439. Judge Tidd did violate Article V, § 17(b) as a direct result of his violation of Rules 1.2, 2.4(B), 2.4(C), 2.6(A), 2.8(A), 2.8(B), 2.9(A), 2.11(A)(1), 2.16(B) & 3.10(A) of the New Rules Governing Standards of Conduct of Magisterial District Judges.

440. By all of his conduct as set forth above, Judge Tidd did violate Article V, § 17(b).

Count 12

441. By virtue of some or all of the facts set forth in Parts C, D, E, F & G, Judge Tidd violated the Administration of Justice Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania and is therefore subject to discipline.

442. Article V, § 18(d)(1) provides in pertinent part:

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which prejudices the proper administration of justice

443. By his conduct of engaging in *ex parte* communications, providing special consideration to an attorney, failing to recuse, failing to afford full opportunity to be heard, acting as a lawyer in proceedings related to matters in which he served as a magisterial district judge and failing to prioritize the business of his court, Judge Tidd did prejudice the proper administration of justice.

444. By all of his conduct as set forth above, Judge Tidd did violate the Administration of Justice Clause of Article V, § 18(d)(1).

Count 13

445. By virtue of some or all of the facts set forth in Parts A through G, Judge Tidd violated the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania and is therefore subject to discipline. Article V, § 18(d)(1) provides in pertinent part:

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which . . . brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity.

446. Judge Tidd engaged in conduct so extreme that it brought disrepute upon the judicial office itself.

447. By his conduct enumerated above, Judge Tidd did violate the Disrepute Clause of Article V, § 18(d)(1).

WHEREFORE, David W. Tidd, former Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

DATE: August 26, 2016

By:



ELIZABETH A. FLAHERTY

Deputy Counsel

Pa. Supreme Court ID No. 205575

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**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

David W. Tidd	:	
Former Magisterial District Judge	:	
Magisterial District 03-2-04	:	3 JD 2016
Third Judicial District	:	
Northampton County	:	

VERIFICATION

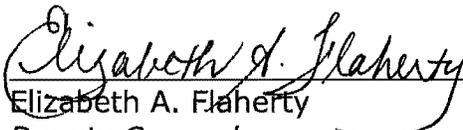
I, Elizabeth A. Flaherty, Deputy Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the Board Complaint. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

August 26, 2016

BY:


Elizabeth A. Flaherty
Deputy Counsel

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**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

David W. Tidd	:	
Former Magisterial District Judge	:	
Magisterial District 03-2-04	:	3 JD 2016
Third Judicial District	:	
Northampton County	:	

PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on or about August 26, 2016, a copy of this *BOARD COMPLAINT* was sent by first-class mail and by email to former Magisterial District Judge Tidd's counsel, Samuel C. Stretton, Esquire, who agreed to accept service on behalf of his client, former Judge Tidd:

Samuel C. Stretton, Esquire
301 South High Street
P.O. Box 3231
West Chester, PA 19381-3231

Respectfully submitted,
ROBERT A. GRACI
Chief Counsel

August 26, 2016

BY:


Elizabeth A. Flaherty
Deputy Counsel

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