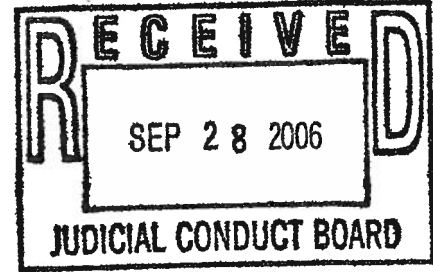


Pennsylvania Judicial Conduct Board
Pennsylvania Place
301 Chestnut Street
Suite 403
Harrisburg, Pa. 17101



Attention:
Joseph A. Massa, Jr., Esquire
Chief Counsel

A complaint against Judge Michael Conahan, President Judge of the Luzerne County Court of Common Pleas, is filed based upon the following:

1. Judge Conahan has used his judicial authority and power of appointment to benefit his family and friends and to contain and destroy his detractors.
Examples of this:
 - A. Within the past months, he appointed his nephew, James DeJoseph, son of his sister, Paula, to service as a probation officer in the Hazelton office. In order to make room for his nephew, he directed, through chief officer, Kris Correll, to re-assign a probation officer, named Joseph Farinella under the guise that Joseph Farinella had done something inappropriate. Kris Correll is the girlfriend of William Sharkey, Court Administrator of Luzerne County. William Sharkey is also a blood relative of Judge Conahan. Patrick Sharkey, son of William Sharkey, was appointed by Judge Michael Conahan to the probation department, as well as his daughter, Stacey Sharkey, to administrative aide in the probation department. Mary Beth Sharkey, also daughter to William Sharkey, has worked as an intern in the Courts. Judy Piscura, the sister of William Sharkey's wife, works in the Hazelton probation department. Debra Sharkey, wife of William Sharkey, sits on the board of Northeastern Pennsylvania Hospital and Higher Education Authority.
 - B. Appointed his brother-in-law, Donald Tedesco, husband of his sister, Theresa, and former high-level employee to Louis Pagnotti, III, to a position with Court Administration.
 - C. Judge Conahan regularly hears matters in support which have been decided by Master in support, Paula DeJoseph. Paula DeJoseph is his sister but, Judge Conahan never discloses this fact to the litigants in support who appear before him and are appealing his sister's decisions.
 - D. In furtherance of his employment scheme, he has devised a 2nd tier of Court House employees who he terms "Tipstaffs", who are under his direct control and only answer to him. The funding of these positions comes from monies which are never made available to the public for review.
 - E. He appointed his friend, Magistrate Kanes's son, Jared Kane, to one such

BOARD'S
EXHIBIT

A

“Tipstaff” position and allowed him to continue to be employed even though Kane was a frequent no show and often came to work intoxicated.

- F. Harold Refowich, a longstanding Hazelton friend of the Conahan Family, has also been placed in one such position, with undefined job functions.
 - G. He allows Deputy Court Administrator to maintain a full time position with the Courts even though he also maintains a full time undertaking business and is the sole licensed undertaker in that business. As a result of this, Deputy Court Administrator, P.J. Adonizio, is infrequently at work and is provided a pager and cell phone to allow for his appearing to be present even when he is officiating at burials. The Conahan Family also is engaged in the funeral home business. William Sharkey is aware of the business function of P.J. Adonizio and condones this practice. P.J. Adonizio is also officially designated as “Director of Personnel Services” for the Court.
2. Judge Conahan also falsely creates new titles for Courthouse employees in order to appear to comply with Supreme Court Directives, even though the Employee’s functions remain the same. He also engages in political activities. Examples of this:
- A. Attorney Louis S. Sciandra, who practices civil and criminal law was previously named as a law clerk by Judge Conahan at the salary of \$36, 000 . When the law clerk changes were mandated by the Pennsylvania Supreme Court, to take effect in September 2005, Judge Conahan entered an order on August 25, 2005. re-titling Sciandra to Counsel to the Court Administrator. This scheme allowed Sciandra to continue to be paid by the Court budget as a law clerk and continue in his previous function. Both William Sharkey, and Peter Adonizio, as Director of Personnel Services for the Court agreed to and joined in on this employment scam.
 - B. A glaring example of how blatant is the misuse of Court employees was shown in criminal Nos. 2700 of 2006 and 2701 of 2006, Commonwealth v. Hugo M. Selenski and Paul R. Weakley, where Attorney Louis Sciandra who openly practices before the Criminal Division of Luzerne County filed a motion to quash the subpoena, which was issued to William T Sharkey, Court Administrator.
 - C. In the Selenski recusal matter, when the Court Reporters were served subpoenas by Luzerne County Detective Gary Capitano, they refused to comply with the subpoena and directed the District Attorney’s Office that they were told not to do so by Judge Conahan. The reporter was Kris Ann Radginski. Previously, when court reporters and court staffers were given unauthorized pay raises by Judge Conahan, Judge Conahan provided his Chamber as the place for the personnel to meet to discuss suing Controller Steve Flood.
 - D. Judge Conahan encouraged his senior law clerk, Barbara Nause to run for District

Magistrate Barilla's seat and, while ostensibly he gave her a leave of absence from her position, she continued to receive benefits through the County. Upon her defeat, she was re-instated to her former salary without set off.

- E. Judge Conahan, who presides in Domestic, Civil and Criminal Court, routinely allows his law clerk, Sam Falcone to practice in Civil and Criminal Court in Luzerne County before Judge Conahan and other Judges. Judge Conahan also allows Attorney Falcone to serve as Criminal Conflict Counsel and appoints Attorney Falcone to serve as Master in master hearings in Luzerne County. Attorney Falcone has even appeared before Judge Conahan in Drug Court. Attorney Falcone also served on the Luzerne County Election Board.
- F. Attorney Nause is also allowed to practice in Criminal Court in Luzerne County in her capacity as Solicitor to the probation department. Judge Conahan placing Barbara Nause in the magisterial race is not an isolated example of his active involvement in politics. At a recent gathering of the Lower Luzerne County Bar Association, Judge Conahan openly stated, "If anyone is interested in running for Judge in Luzerne County, see me." This was witnessed by several other individuals other than lawyers.
- G. He uses his association with the Community Bank, where he serves as a director to his advantage with young attorney's by offering them financial help in the form of loans.
- H. He hires individuals to serve as full time Tipstaffs for visiting Senior Judges and allows Senior Judge Toole to maintain a full time Secretary and Tipstaff even though Judge Toole is not working full time in Luzerne County.
- I. Instead of utilizing some Judges of the 11th Judicial District, he routinely uses Senior Status Judges in domestic court matters, while the Judges of Luzerne County have the summer months off in what he schedules and terms "Individual Court Scheduling Weeks."
- 3. He routinely hears matters presented by Attorneys with whom he has close personal and longstanding business and friendships and refuses to recuse himself. In fact, it is his practice to direct William Sharkey to switch cases, which are assigned to other Judges when the litigants or the Attorneys are his friends. Examples of this:
 - A. Molly Sheridan is the PFA Coordinator of Luzerne County. She received this promotion by Judge Conahan. In 2003, Miss Sheridan was arrested for a "DUI" the case was heard by Magistrate Kane and thrown out. The Wilkes-Barre Police Department took issue with this appeal of Miss Sheridan's License Suspension for refusing to submit to a blood test was filed in Luzerne County. The case was assigned to Judge Lokuta. On the day before it was to be heard by Judge Lokuta, William Sharkey took it away from Judge Lokuta and it

was assigned to Judge Conahan. Judge Conahan, in a closed proceeding, where the courtroom doors were locked and the press was not even allowed in, granted Miss Sheridan's appeal and her license were not suspended. No. 2665-C-2003.

- B. Another case similarly disposed of by Judge Conahan was Wilkes Barre School Director, Brian Dunn's DUI case where Judge Conahan ruled without conducting a court hearing.
- C. Judge Conahan in his capacity as President Judge, appointed Mike Butera as a Mental Health Hearing Officer. As such he is responsible to conduct mental health commitment hearings and present commitment orders to Judge Conahan for his review and signature. In essence, he is a staffer to Judge Conahan. Yet, Attorney Butera routinely appears before Judge Conahan in Custody and Civil and Criminal matters and Judge Conahan never discloses his association with Attorney Butera to opposing Counsel or the litigants.
- D. Judge Conahan presided over a Trial, Butera vs. Paranich and Donahue-2165 of 2000 in which Attorney Mike Butera, as plaintiff, was awarded \$832,990 and \$98,462 in delay damages. This Trial was a Bench Trial without a Jury and it highlights how corrupt Judge Conahan is. Judge Conahan refused to recuse himself without a hearing in the recusal motion. He failed to disclose that he routinely meets ex-parte with Attorney Butera, early in the morning. As an insight to Attorney Butera's character in the 1980's when he was employed as an Assistant District Attorney to Judge Chester Muroski, he was fired because he wrote a letter of support on District Attorney Stationery, for Mob Boss, Russell Buffalino, who was under indictment in Federal Court.
- E. Attorney Butera and Judge Conahan have been "watched" meeting early in the morning in the company of William D'Elia, who is currently under Federal Indictment for Drug Money Laundering. This case also involves the Perjury Indictment of Louis Pagnotti, III.
- F. Judge Conahan's closest friends are Judge Mark Ciaverella and Robert Powell. These men have been seen frequently together in Pennsylvania and Florida. Yet, Judge Conahan continues to preside in cases where Attorney Powell and his associates are Plaintiff's Counsel and Judge Conahan never discloses the close personal association, which he shares with Attorney Powell. Examples of this:

Hruniuk vs. Schnecken Gost 6569-2001
Simms vs. Querci 352-C-2001
Cove vs. Cooper Tire 6182-C-1996
Brennan vs. N.E. Counseling 4989-C-1995
Pauaukas vs. Poco-Wren 5227-C-1999

- G. Attorney Robert Powell is co-owner of the Luzerne County Juvenile Detention Center. When Judge Conahan became President Judge, he assigned Judge Ciaverella to Juvenile Court, while in the past, Juvenile Court responsibilities were shared among Judge Muroski and at times, Judge Lokuta. A stringent pattern of placement in the Powell owned facility can be readily revealed by reviewing Judge Ciavarella's placements. In the past, the other Judges placed in a variety of Facilities including Camp Adams.
- H. Frequently, Judge Conahan, whose closeness to Judge Ciavarella is so great that he purchased a house next to his, will designate Judge Ciaverella to act as President Judge, even though there is no provision for this practice in the Unified Court System of Pennsylvania.
- I. Judge Ciavarella's children have been given access to Attorney Powell's Florida Condo and Judge Conahan and Judge Ciaverella and William Sharkey and the Judges' Staffers have also been given access to Attorney Powell's Condo and to his yacht, "REEL JUSTICE."
- J. Attorney Powell's cases are frequently assigned through order of Judge Conahan to Judge Ciavarella. This task is usually seen to by the Court Administrator, William Sharkey.
Examples of this:
- Holling vs. Lovrinic 1733-C-2000
Mancini vs. Rotary Lift 4078-C-2001
Wanser vs. Cannadozza 4771-C-2000
C.T.S.I. vs. MT Marketing 6770-C-2001
Koreyva vs. Eight Bees 2945-C-1999
Sando vs. Fritzengertown 1249-C-1999
Gliem vs. PPL 6184-C-1996
- K. Judge Ciavarella never discloses his close ties to Attorney Powell to either the Litigants or the opposing Counsel. At times, Judge Conahan will also direct cases of Attorney Butera's to Judge Ciavarella, especially when a high profile Plaintiff may be involved who could be linked to Judge Conahan.
Examples of this:
- Carpinet vs. Janosky 2619-C-2004
CTSI vs. MT Marketing 6770-C-2001

- L. Judge Conahan has also directed that certain cases involving Judge Ciavarella's close golfing and traveling friend, John Terrana, be taken away, by Sharkey from one Judge and "Bench Tried" by Judge Ciavarella. Judge Ciavarella never discloses his close association with Attorney Terrana.
Examples of this:

Kamus vs. State Farm 6262-C-2000

- M. In the case of Louis J. Pagnotti, III, the coal company heir, who had been seen in the company of Judge Conahan socially, it was determined that William Sharkey would assign part of Pagnotti's case to Judge Ciavarella for disposition and, if a plea would result, it would be pled before Judge Conahan. At no time in the plea proceeding did Judge Conahan disclose that Pagnotti employed Judge Conahan's Brother-in-law, Don Tedesko, and that Pagnotti was in attendance at Judge Conahan's Annual get togethers.
- N. Once he assigned himself to Orphan's Court, Judge Conahan began making Masters Appointments based solely upon his political affiliations without regard to the appointee's knowledge of Domestic law or experience in Domestic Litigation. He has repeatedly appointing members of the Buffalino law firm to such positions. Attorney Mark and Attorney C.J. Buffalino receive the lion's share of Court Appointments. Attorney O'Donnell whose husband was his campaign aide, receives appointments as well. Judge Conahan has little regard for women lawyers unless they meet his criteria of physical attraction and demure personality traits.
Examples of this:

When he became President Judge, he immediately fired two seasoned women lawyers, Attorney Marsha Basco and Attorney Molly Hanlon. While both were experienced lawyers, they are heavy set and very outspoken. Judge Conahan who frequents the "Champagne Room" of the White Haven, Pa. Gentlemen's Club, the "Pleasure Dome", has openly carried his patronizing attitude toward women, to his Judicial function and had been heard openly commenting about certain women professionals in a sexist fashion, including the use of vulgarities when referring to another member of the bench. His comments have been overheard and remarked about throughout the Courthouse. The positions previously occupied by Attorney Hanlon and Attorney Basco were filled by Judge Conahan by appointing members of the Buffalino law firm to also serve as law clerks to the Senior Judges. The Senior Judges hear Civil and Custody Matters, and at times, Criminal Matters. Yet, the Buffalino brothers continue to practice in the Civil, Criminal and Domestic Courts of the 11th

Judicial District despite the fact, that they are law clerks. Judge Conahan recently had one such Civil matter re-assigned to him because C.J. Buffalino was the Plaintiff's Attorney; this case was:

McKeefrey 629-2006

- O. Judge Conahan also engages in having cases assigned to him by William Sharkey when his Banking Friend's Sons are involved in cases. In the Byle case, Peter Moses, Son of Attorney John Moses, who sits on the Community Bank Board of Directors with Judge Conahan, was the Attorney of record. Peter Moses is also Solicitor to Prothonotary, Jill Moran, who is a Partner in Attorney Robert Powell's law firm.
- P. Another example of Conahan's practices involving both the Buffalino Family and sons of his Banking buddies is the case which was being litigated by Attorney Girard Mecadon :

Vanesko 8009-C-2000

- Q. In complete disregard of the ethical consideration and the Pennsylvania Supreme Court's prohibiting the allowance of law clerks to practice before the Court by whom they are employed serves, Judge Conahan Fosters, Condone and Authorizes this practice and even allows the clerks to practice before their own Judges.
Examples of this:

Judge Ciavarella hears Civil, Juvenile and Criminal matters. His law clerks are Attorney Don Rogers and Brian Buffalino who practice before other Civil and Criminal Court Judges in the 11th Judicial District. Judge Conahan's clerk is Attorney Phillips Gelso. Judge Conahan hears Civil, Criminal and Domestic cases. Attorney Gelso practices before other Judges in the 11th Judicial District in Civil and Criminal Court.

Judge Ciavarella also has a special law clerk, Attorney Sean McDonough, Attorney McDonough practices before the 11th Judicial District in Civil Court. In fact, he is currently presenting a case before his own Judge which was specially placed on Judge Ciavarella's Docket by William Sharkey. The case is:

Ingot 4756 of 2006

Attorney McDonough's law partners are Attorney James Wetter and Attorney Patrick Dougherty. Attorney Wetter is the law clerk to Judge Mundy who hears Civil Court. Attorney Wetter appears before other Judges in Luzerne County in Civil Cases.

I have submitted this information to you without identifying myself because I fear retaliation should my identity be revealed.

I hope that your Board acts upon these glaring violations of ethics which are occurring in the Luzerne County Courthouse.