



## ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

News for Immediate Release

Oct. 12, 2015

HARRISBURG — The Pennsylvania Supreme Court today issued the following:

The Supreme Court acknowledges that the news media is currently attributing a series of emails containing controversial content to the private email account of our colleague, Justice Eakin.

Members of the Supreme Court are disturbed by the content of the emails, as reported by the media.

Last year, after newspapers reported sources were indicating that “top jurists” were involved in an exchange of pornographic emails with members of the Office of Attorney General (the “OAG”), the Supreme Court retained Special Counsel to conduct an inquiry. The Court’s expectation at the time was that its Counsel would determine whether any emails in the OAG’s possession sent or received by any Justice contained pornography, revealed any relationships that could call into question the appropriateness of any Justice participating in certain cases, disclosed any ex parte communications, or otherwise showed that a Justice had violated the Pennsylvania Code of Judicial Conduct.

Upon the Court’s request that its Special Counsel be given access to all emails in the OAG’s possession involving any Justice of the Supreme Court, the OAG permitted Counsel to review a collection of emails sent or received between January 1, 2008, and December 31, 2012. This review remained under the OAG’s control; no copies of any emails were provided.

The process culminated in a report by Special Counsel dated December 19, 2014, in which he found no violations of the Code of Judicial Conduct or other improprieties by Justice Eakin. Counsel’s file memoranda, written at that time, confirm that the OAG was in full agreement with these conclusions. The report also is apparently consistent with an independent review conducted by the Judicial Conduct Board, which used its subpoena power to access emails within the OAG’s control. The findings of the Court’s Counsel, like those of the Board, were limited to the emails that the OAG actually produced for review, and they necessarily take into account the context of that limited review.

Recently, the Attorney General furnished a disc to the Judicial Conduct Board, with a copy to the Court, containing emails that she attributes to Justice Eakin. The Judicial Conduct Board has now confirmed that a number of the emails on these discs, and which are now being discussed in the media, were not made available by the OAG to either the Court’s Counsel or the Board in their previous review.

The Supreme Court of Pennsylvania aspires to maintain the highest ethical standards and the trust and confidence of the public at large. The Court has retained a new Special Counsel (due to its previous Counsel being ill), and a further report will be forthcoming. It is also the Court’s understanding that the Judicial Conduct Board is reviewing the matter in light of the new developments.

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