

SUPREME COURT OF PENNSYLVANIA

In re: Magisterial District Judge Mark A. Bruno

In re Bruno · No. 84 MM 2013 · Decided October 1, 2014

SUMMARY

This is a concurring opinion addressing the Pennsylvania Supreme Court's authority under King's Bench to order the interim suspension of a magisterial district judge. Justice Saylor agrees that the Court retains that power in extraordinary circumstances but argues that the Court of Judicial Discipline should generally have primacy in judicial suspension and disciplinary matters, and that the Supreme Court should use its supervisory authority more narrowly.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Saylor
JURISDICTION	Pennsylvania
DECIDED	October 1, 2014
DOCKET	84 MM 2013
DISPOSITION	other
PROCEDURAL POSTURE	Mark A. Bruno petitioned to vacate an order of the Supreme Court of Pennsylvania concerning his interim suspension as a magisterial district judge. Justice Saylor concurred in the majority's resolution of the Court's jurisdiction and King's Bench authority while advocating a narrower approach.
PRECEDENTIAL VALUE	Published concurring opinion; the concurrence is not independently controlling, although the majority holding it joins may be precedential.

TOPICS

constitutional law

appellate procedure

administrative law

standard of review

PRACTICE AREAS

constitutional law

judicial discipline

appellate procedure

administrative law

QUESTIONS PRESENTED

1. Whether the Supreme Court of Pennsylvania retains King’s Bench jurisdiction and authority to direct the interim suspension of a jurist in extraordinary circumstances.
2. Whether the Court of Judicial Discipline's constitutionally assigned authority over interim suspensions and discipline should limit or take primacy over the Supreme Court's exercise of King’s Bench authority.
3. Whether the Supreme Court should routinely suspend judges upon their indictment on felony charges.
4. Whether the Supreme Court's general supervisory and administrative authority under Article V, Section 10(a) may be used to assign a jurist to duties that do not involve presiding over court proceedings instead of imposing an interim suspension.

HOLDINGS

1. The Supreme Court retains jurisdiction and power under King’s Bench to direct the interim suspension of jurists in extraordinary circumstances.
2. The exercise of King’s Bench authority to suspend a judge should be reserved for extraordinary circumstances, particularly where the matter is constitutionally assigned to the Court of Judicial Discipline.
3. The Supreme Court may use its general supervisory and administrative authority to assign a judicial officer to duties that do not entail presiding over court proceedings, thereby addressing institutional concerns without necessarily imposing an unpaid interim suspension.

KEY QUOTATIONS

“I agree with the majority’s holding that this Court retains jurisdiction and power at King’s Bench to direct the interim suspension of jurists in extraordinary circumstances.” (slip op. at 2)

“I believe that it was error on our part to routinize a practice of interim suspension upon the indictment of judges on felony charges.” (slip op. at 2)

“King’s Bench, on the other hand, should be reserved for extraordinary circumstances – and all the more so where, as here, the type of action involved is, by constitutional design, expressly allocated to a distinct investigative/disciplinary structure.” (slip op. at 5)

FACTUAL BACKGROUND

Judge Bruno was indicted on felony charges relating to his judicial duties. The Supreme Court had exercised King’s Bench authority to suspend him on an interim basis, while the Court of Judicial Discipline also had constitutional authority concerning interim suspensions and discipline. A four-month period elapsed between the indictment and the Court of Judicial Discipline's suspension, during which Judge Bruno continued to preside over court proceedings.

PROCEDURAL HISTORY

The Supreme Court of Pennsylvania considered a petition challenging an earlier Supreme Court order dated February 1, 2013. The concurrence states that Judge Bruno had been indicted on felony charges and that the Court of Judicial Discipline later suspended him, resulting in overlapping or conflicting suspension orders.

DISPOSITION

other

CASES CITED

- In re Bruno, 69 A.3d 780 (Pa. Ct. Jud. Disc. 2013)
- Hunt v. PSP, 603 Pa. 156, 174, 983 A.2d 627, 637-38 (2009)
- Payne v. Dep't of Corr., 582 Pa. 375, 385, 871 A.2d 795, 801 (2005)
- In re Suspension of Capital Unitary Review Act, 554 Pa. 625, 629, 722 A.2d 676, 679 (1999)
- Reilly by Reilly v. SEPTA, 507 Pa. 204, 219, 489 A.2d 1291, 1298 (1985)
- In re Franciscus, 471 Pa. 53, 369 A.2d 1190 (1977)
- Stander v. Kelley, 433 Pa. 406, 428, 250 A.2d 474, 487 (1969) (Roberts, J., concurring)

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