

NEWS RELEASE

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Supreme Court Names Master for Luzerne Juvenile Cases

HARRISBURG, Feb. 11, 2009 — The Supreme Court of Pennsylvania today appointed a special master to review all cases in which Luzerne County Judge Mark A. Ciavarella Jr. is alleged to have improperly committed juveniles to two detention facilities or to have denied juveniles their constitutional right to counsel.

The court named Senior Judge Arthur E. Grim, of Berks County, as special master. Judge Grim, the former president judge of Berks County, is chairman of the Pennsylvania Juvenile Court Judges' Commission which sets standards for administrative practices and judicial procedures in juvenile courts in the Commonwealth.

In its order, the Supreme Court said:

"The Court of Common Pleas of Luzerne County is directed to give the Special Master unlimited access and cooperation to assist him in discharging his duties in a timely fashion. The Luzerne County District Attorney's Office shall also provide cooperation to assist the Special Master in discharging his duties.

"The goal of this Court is to determine whether the alleged travesty of juvenile justice in Luzerne County occurred, and if it did, to identify the affected juveniles and rectify the situation as fairly and swiftly as possible. The Special Master is directed to file an Interim Report with this Court within 120 days of the entry of this order."

The Supreme Court exercised its rarely used King's Bench Power to order a review of juvenile cases in Luzerne County based on a petition by the Juvenile Law Center of Philadelphia and because criminal charges have been filed against Ciavarella and retired Judge Michael T. Conahan. The judges are accused of profiting from the placement of juvenile defendants in two private detention facilities. Ciavarella and Conahan have agreed to plead guilty in U.S. District Court in Scranton to federal charges of wire fraud, depriving the public of honest service and conspiracy to commit tax fraud.

(A copy of the court order can be found at:

<http://www.pacourts.us/OpPosting/Supreme/out/81mm2008pco2.pdf>)

(A copy of Judge Grim's biography also is included)

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**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

IN RE: J.V.R.; H.T., A MINOR THROUGH: No. 81 MM 2008
HER MOTHER, L.T.; ON BEHALF OF :
THEMSELVES AND SIMILARLY :
SITUATED YOUTH :

ORDER

PER CURIAM

AND NOW, this 11th day of February, 2009, in light of the recent revelation of federal criminal charges and pending guilty plea agreements involving Judges Mark A. Ciavarella, Jr. and Michael T. Conahan, arising from actions committed during their service as Judges of the Court of Common Pleas of Luzerne County, and which actions call into question the propriety of juvenile adjudications and dispositions in Luzerne County during the period of the alleged criminal conduct, this Court hereby assumes plenary jurisdiction over this matter. See PA. CONST. art. V, § 10; 42 Pa.C.S. § 502. The “Motion for Leave to File Motion for Reconsideration *Nunc Pro Tunc*” is **GRANTED**. To the extent the “Motion for Reconsideration of Denial of Application for the Exercise of King’s Bench Power or Extraordinary Jurisdiction and to Amend Application” requests leave to amend the initial Application filed at 81 MM 2008, such leave is **GRANTED**.

Furthermore, **the Honorable Arthur E. Grim**, Senior Judge of Berks County, is hereby **APPOINTED** as Special Master to act on behalf of this Court. The Special Master is hereby authorized to review all Luzerne County juvenile court adjudications and dispositions that have been affected by the recently-revealed criminal allegations, specifically including: (1) cases in which Judge Ciavarella committed juveniles to PA Child Care, LLC and Western PA Child Care, LLC; and (2) cases in which it is alleged that

juveniles appearing before Judge Ciavarella were denied their constitutional right to counsel. The Special Master shall then make recommendations to this Court concerning appropriate remedial actions.

The Special Master is authorized to use his discretion to determine the time period properly subject to his review, keeping in mind the twin concerns identified above. The Special Master shall provide notice and an opportunity to be heard to any juvenile whose matter is under consideration, the Luzerne County District Attorney, and any other proper interested party as determined by the Special Master.

The Special Master's duties shall include, but not be limited to:

1) Entertaining and disposing of discovery requests filed by appropriate parties;

2) Determining whether Luzerne County juveniles appearing before Judge Ciavarella were denied their right to counsel, and if so, identifying the affected juveniles. See In re Gault, 387 U.S. 1 (1987); Pa.R.J.C.P. 151 and 152, and 42 Pa.C.S. § 6337;

3) Determining which Luzerne County juveniles were committed to PA Child Care, LLC and Western PA Child Care, LLC by Judge Ciavarella; and

4) Once the affected cases are identified, recommending remedial action on an individual basis, a class basis, or both. Relief may include any remedy that may be awarded by a juvenile court or appellate court directly reviewing an adjudication including, but not limited to, expungement, granting new juvenile court proceedings, or finding that the affected juvenile proceedings were void *ab initio*. See, e.g., 18 Pa.C.S. § 9123; In re the Interest of McFall, 617 A.2d 707 (Pa. 1992). With regard to the potential remedy of ordering new proceedings, the Special Master should consider:

a) the affected juvenile's present age and whether the juvenile would still be subject to the jurisdiction of the juvenile court, see 42 Pa.C.S. §§ 6302 and 6303; and

b) any potential constitutional impediments to retrying the affected juveniles. Cf. Commonwealth v. Smith, 615 A.2d 321, 325 (Pa. 1992) (double jeopardy); Commonwealth v. Dallenbach, 729 A.2d 1218, 1220-1221 (Pa. Super. 1999) (speedy trial).

The Court of Common Pleas of Luzerne County is directed to give the Special Master unlimited access and cooperation to assist him in discharging his duties in a timely fashion. The Luzerne County District Attorney's Office shall also provide cooperation to assist the Special Master in discharging his duties.

The goal of this Court is to determine whether the alleged travesty of juvenile justice in Luzerne County occurred, and if it did, to identify the affected juveniles and rectify the situation as fairly and swiftly as possible. The Special Master is directed to file an Interim Report with this Court within 120 days of the entry of this order.

Jurisdiction is retained.

JUDGE ARTHUR E. GRIM BIOGRAPHICAL SUMMARY

Employment

2008-present	Senior Judge of the Court of Common Pleas of Berks County
1987-2008	Judge of the Court of Common Pleas of Berks County Assigned to Juvenile, Orphans and Family Court
2004-2007	President Judge of the Court of Common Pleas 23rd Judicial District
1987-2007	Administrative Head of the Juvenile Court
1972-1987	Private law practice in Reading
1993-present	Adjunct Professor - Alvernia College, Reading
1995-present	Adjunct Professor - St. Joseph University, Philadelphia

Education

1972 - Juris Doctor, Duquesne University, Pittsburgh
1964 - Bachelor of Arts, Moravian College, Bethlehem

Awards

American Jurisprudence Award
Outstanding Young Man of America
Alvernia College Recognition Award
Pennsylvania Coalition Against Domestic Violence Award of Distinction
Berks Women in Crisis Award
Southern Middle School Hall of Fame
Chamber of Commerce - Partner of Education Award
Pro Kids - Service to Youth Award
Junior Achievement Education Award
Olivet's Youth Club Award
United Way of Berks County - Wilbur H. Doran Award
Juvenile Detention Center Association of Pennsylvania -
Distinguished Service Award Outside of the Field of Detention
Berks County Bar Association - Justice William Strong Award, which recognizes lifetime accomplishments in the legal profession and community involvement.

Community Involvement/Position Held

2005	Chairman of the Juvenile Court Judges' Commission
2005	Wyomissing Foundation Board of Trustees
2005	Appointed by Governor Ridge to the Governor's Cabinet on Children and Families
2003-2005	President - Pennsylvania State Trial Judges Association - Juvenile Justice Section
2001	Appointed by Governor Ridge to the Juvenile Justice & Delinquency Prevention Committee to the Pennsylvania Commission on Crime and Delinquency
2000 - 2002	Chairman of the Board - United Way of Berks County
2000-2005	Vice Chairman Juvenile Court Judges' Commission
1997	Appointed to Juvenile Court Judges Commission by Governor Ridge
Member	Berks Community Foundation Education Committee
Member	Reading Hospital Mental Health Advisory Board

In recent years I testified before State, Senate and House committees on the issue of domestic violence. I have been interviewed by Jane Pauley on the Today Show regarding the problem of domestic violence in our society, especially as it impacts on children. I have appeared in a number of videos regarding domestic violence, which have been distributed nationwide, including an appearance with the actor, Martin Sheen, titled "Children of the Lie."

In addition to the work I have done to raise awareness of the problems associated with domestic violence and the impact it has on children, I was instrumental in encouraging local school districts to adopt a zero tolerance policy regarding weapons in schools. I have also testified before the Senate Judiciary Committee on proposed changes to the juvenile law. One of the programs that I was instrumental in starting—and I am proudest of—is Earthrise Enterprises, a program for adjudicated delinquent children run in conjunction with Junior Achievement, in which the private and public sector have joined forces to teach children necessary life skills and the importance of operating within the legitimate free enterprise system.