

Phila. Judicial Ballots Quietly Trimmed, Stirring Confusion

Max Mitchell, The Legal Intelligencer

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When Philadelphia voters look at their ballots during the May 16 primary, they may find fewer open seats than they had expected in the judicial races—especially if they are following the number of endorsements from the Democratic City Committee.

That's because late last month the Pennsylvania Supreme Court issued orders staying the removal of Philadelphia Court of Common Pleas Judge Angeles Roca and Municipal Court Judge Dawn Segal. [Both had been removed](#) from the bench by the Pennsylvania Court of Judicial Discipline in December.

The Supreme Court's orders trimmed the number of available seats on the Court of Common Pleas from 10 to nine, and the number of vacancies on the Municipal Court from three to two.

Although the orders did not have a large effect on the process for finalizing the ballots, it has led to a unique situation where the Philadelphia Democratic Party has endorsed more candidates than there are seats available.

The Supreme Court's orders, which were both issued March 31, directed the secretary of the commonwealth to "refrain from placing [the judge's] judicial seat on the ... primary ballot, or on any election ballot thereafter, until final resolution" of the appeal, and said the stays would be in place until the disciplinary appeals are completed.

According to the orders, Chief Justice Thomas G. Saylor and interim Justice Sallie Updyke Mundy, who is a candidate for a full term on the high court, dissented from the order. Saylor and Mundy are the only two Republicans on the bench. Both Segal and Roca are Democrats.

Attorney Samuel Stretton, who is representing Roca, said he first asked the Supreme Court to keep Roca's seat off the ballot, but was initially rejected. The court, however, decided to grant the request after he refiled.

"It's very unusual," he said. "But I thought they handled it appropriately."

Stuart Haimowitz, who represents Segal, declined to comment.

Although the Administrative Office of Pennsylvania Courts maintains web pages announcing rulings

in disciplinary cases, including [Roca](#) and [Segal](#)'s cases, the stay orders do not appear on those pages, and no order was issued through the Supreme Court's "[Opinions and Postings](#)" page, which is updated daily.

Instead, the orders were only made available on the dockets [outlining Roca](#) and [Segal's appeals](#).

Art Heinz, a spokesman with the AOPC, said that "to avoid cluttering and organization challenges," interlocutory orders that do not dispose of cases are not posted on the opinions page. He noted that the orders at issue were entered in their entirety on the dockets.

According to Wanda Murren, spokeswoman with the Department of State, both Roca and Segal's seats were listed as vacancies, but that was amended after the Supreme Court issued its order. The Department of State, however, does not program the voting machines, or print out the ballots, Murren said. That is overseen by Philadelphia city commissioners.

Joe Lynch, an assistant administrator at the Philadelphia Board of Elections, said the city did not know about the changes until April 4, but by that point, only a handful of military absentee ballots had gone out.

"It was a pretty easy change," Lynch said. "Thank god it happened when it happened."

According to Lynch, the machine ballots were approved April 5, and the absentee ballots were finalized April 8.

The issue was not such an easy change when it came to the Philadelphia Democratic Committee, which had released its endorsements on March 25.

Philadelphia's Democratic City Party chairman, U.S. Rep. Bob Brady, D-Pennsylvania, said this is the first time that the party has endorsed more candidates than there are available seats, but he does not have any plans to alter the endorsements now.

"We can't un-endorse somebody," Brady said. "We'll let the voters pick who they want."

Brady added that he will push to have any endorsed candidates who does not make it through the primary appointed to the bench by Gov. Tom Wolf to fill any vacancies that arise after the election. Given that several judges from the Philadelphia Court of Common Pleas are seeking election to a state appellate court, Brady and others expect there will be vacancies on that bench soon.

Brady said he spoke with the candidates, and they agreed with his course of action.

"We've never had this happen before," Brady said.

Election law attorney Adam Bonin said the change likely won't become the basis for any challenges after the race, but it was "more than a hiccup given how late it occurred."

"You have committees that have already endorsed, and consultants who have promised to back a certain slate of candidates," Bonin said. "Now you have one less person who can be promoted."

With 27 hopefuls seeking a seat on the Court of Common Pleas and six seeking a spot on the Municipal Court, according to the Department of State's website, the race is crowded, but Eric Weitz, chairman of the Philadelphia Bar Association's judicial commission, said eliminating the two vacancies would have little impact on [the work that the commission](#) does investigating and rating

each candidate.

"It doesn't affect the number of people we would recommend or not recommend," Weitz said. "My understanding is that people went out and got their signatures before they knew how many others were in the race."

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