
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 631 Session of
2017

INTRODUCED BY FABRIZIO, RAVENSTAHL, HARKINS, SCHLOSSBERG,
THOMAS, MILLARD, CONKLIN, KIRKLAND, RYAN, BIZZARRO, SCHWEYER,
P. COSTA, FLYNN, ROZZI, PASHINSKI, KINSEY, DAVIS, MULLERY,
KORTZ, SONNEY, ENGLISH, RABB, DALEY, DeLISSIO AND DeLUCA,
DECEMBER 21, 2017

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 21, 2017

A RESOLUTION

1 Urging the Pennsylvania Domestic Relations Procedural Rules
2 Committee to expand procedures for addressing conflicts of
3 interest and to update guidance related to social media
4 relationships.

5 WHEREAS, The Domestic Relations Procedural Rules Committee is
6 the primary advisor to the Supreme Court of Pennsylvania on
7 matters governing actions in cases of divorce, support, custody,
8 paternity and protection from abuse; and

9 WHEREAS, The committee's goal is to simplify family law
10 practice by recommending new rules or amendments to existing
11 procedural rules relating to family law matters; and

12 WHEREAS, Ethical concerns related to disqualification and
13 recusal are commonly raised by residents, attorneys and judges;
14 and

15 WHEREAS, In Pennsylvania, anyone performing judicial
16 functions, including a referee in bankruptcy, special master,
17 court commissioner or magistrate, is considered a judge under

1 the Code of Judicial Conduct; and

2 WHEREAS, Impartiality, integrity and independence are vital
3 to avoid even the appearance of impropriety in all judicial
4 proceedings; and

5 WHEREAS, Conflicts of interest can arise and be discovered in
6 domestic cases and family law matters at any time and in any
7 number of settings; and

8 WHEREAS, Parties in domestic matters cannot challenge a
9 conflict of interest involving a judge or other adjudicator
10 after a final decision has been rendered; and

11 WHEREAS, Providing this mechanism would give parties the
12 ability to question whether an alleged conflict unfairly
13 impacted the judgment in their case; and

14 WHEREAS, Conflicts of interest arising in online venues,
15 including on social media, present an ever-changing area of
16 concern for judicial ethicists; and

17 WHEREAS, The American Bar Association urges attorneys to not
18 assume they can "friend" judges on social media; and

19 WHEREAS, The Pennsylvania Bar Association's formal opinion on
20 the ethical obligations for attorneys using social media states
21 only that they may not connect with judges in an effort to
22 influence the judge; and

23 WHEREAS, The American Bar Association has highlighted several
24 states, including California, Florida, Massachusetts and
25 Oklahoma, that have adopted strict rules prohibiting judges from
26 becoming "friends" on social media with anyone who may appear
27 before them in the courtroom; and

28 WHEREAS, The establishment of stronger policies governing
29 online relationships between plaintiffs, defendants, attorneys
30 and judicial officers of any kind would bring enhanced integrity

1 to the judicial system; and

2 WHEREAS, Creating a procedure for challenging conflicts of
3 interest post-trial would further ensure fair and impartial
4 outcomes in all proceedings; therefore be it

5 RESOLVED, That the House of Representatives urge the
6 Pennsylvania Domestic Relations Procedural Rules Committee to
7 expand procedures for addressing conflicts of interest and to
8 update guidance related to social media relationships; and be it
9 further

10 RESOLVED, That a copy of this resolution be sent to the
11 members of the Pennsylvania Domestic Relations Procedural Rules
12 Committee, each justice of the Supreme Court of Pennsylvania and
13 to the President of the Pennsylvania Bar Association.