

Judicial Conduct Board
Commonwealth of Pennsylvania
Joseph A. Massa, Jr., Chief Counsel
717-234-7911

Press Release

January 5, 2009

TO: Media/Press

FROM: Judicial Conduct Board

**SUBJECT: Court of Common Pleas
Willis W. Berry
Philadelphia County
1 JD 09**

Harrisburg. The Judicial Conduct Board has announced today that it has instituted formal proceedings against Philadelphia Common Pleas Court Judge Willis W. Berry. A Board Complaint has been filed with the Court of Judicial Discipline in Harrisburg.

The Board Complaint alleges that Judge Berry has brought disrepute to the Pennsylvania judiciary by using his judicial chambers, judicial secretary and other court resources for a personal, non-court related real estate business.

In accordance with the rules which govern proceedings before the Court of Judicial Discipline, Judge Berry has an opportunity to respond to the charge, obtain and inspect the evidence which forms the basis of the allegations and the right to a public trial before the Court of Judicial Discipline.

Upon completion of the trial, if the Court determines that the charge has been proven by clear and convincing evidence, it will schedule a Sanctions Hearing to determine what sanctions should be imposed upon the judge for violating the Pennsylvania Constitution. Possible sanctions include reprimand and restriction of future judicial employment.

Counsel

Board: Daniel T. Reimer, Esquire -- Assistant Counsel

Respondent: Samuel C. Stretton, Esquire

Contact: Daniel T. Reimer, Assistant Counsel

Court of Board Complaint attached

For more information about the Judicial Conduct Board, please visit our website at www.jcbpa.org.

END

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2009 JAN -5 P 2: 20

In re:

Willis W. Berry :
Common Pleas Court :
First Judicial District of Pennsylvania : 1 JD 2009
Philadelphia County :
:

IMPORTANT NOTICE

TO: THE HONORABLE WILLIS W. BERRY:

The Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, §§ 17 and 18 of the Constitution of the Commonwealth of Pennsylvania. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 302(B).

You are hereby notified, pursuant to C.J.D.R.P. No. 302(E), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this complaint in accordance with C.J.D.R.P. No. 411.

FORMAL CHARGES

AND NOW, this 5th day of January, 2009, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (hereinafter "Board") and files this Board Complaint against The Honorable Willis W. Berry (hereinafter "Respondent"), Judge of Court of Common Pleas of the First Judicial District, Philadelphia County, Pennsylvania, alleging that the Respondent has violated the Code of Judicial Conduct and the Constitution of the Commonwealth Article V, §§ 17(b) and 18(d)(1) as more specifically delineated herein.

1. This action is taken pursuant to the authority of the Board under Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania, which grants the Board the authority to determine whether there is probable cause to file formal charges, and, when it concludes that probable cause exists, to file formal charges, against a justice, judge, or magisterial district judge for proscribed conduct, and to present the case in support of such charges before the Court of Judicial Discipline.

2. From January 1995 to present, and at all times relevant hereto, the Respondent has served as a Common Pleas Court Judge in Philadelphia County, Pennsylvania, with an office currently located at 1409 Criminal Justice Center, 1301 Filbert Street, Philadelphia, Pennsylvania 19107. As a Common Pleas Court Judge, he is, and at all times relevant hereto, was subject to all the duties and responsibilities imposed on him by the Code of Judicial Conduct and the Constitution of Pennsylvania.

3. Prior to becoming a judge in January 1995, Respondent had purchased several properties for investment purposes. The properties were either vacant lots, vacant buildings or occupied buildings. After becoming a judge in 1995, Respondent continued to own these properties and purchased additional ones, owning at one point a total of 16 different vacant or occupied properties. Several of the occupied buildings are multi-unit rental properties operated by Respondent.

4. Many of the properties purchased by Respondent were in poor condition and non-compliant with various safety, building and licensing codes when initially purchased, and issues concerning property condition and/or code compliance have continued to exist while under Respondent's ownership.

5. From January 1995 through and including August 2007, Respondent was issued in excess of 70 citations by the City of Philadelphia Department of Licenses & Inspections (hereinafter "L&I") for various violations of safety, building and licensing codes.

6. The various citations issued by L&I included failure to obtain or maintain the proper licenses or permits, and violations involving public nuisance, building, health and safety requirements.

7. As a result of the issuance of these citations, Respondent was required to take corrective measures to achieve compliance with the applicable code(s) or be subject to further enforcement action.

8. From January 1995 through April 2007, Respondent used his judicial office and judicial resources, including his secretary, Carolyn Fleming (hereinafter "Fleming"), to assist him in the day-to-day operations concerning his properties.

9. During this time period, Fleming engaged in one or more of the following activities concerning Respondent's rental properties on a regular and continuing basis on behalf of Respondent, at the request of Respondent and/or with Respondent's full knowledge and complicity:

- a. maintained physical files at her work station on each of Respondent's tenants, containing leases, rent payment receipts, letters and other correspondence;
- b. contacted prospective or current tenants in writing or by telephone;
- c. met with prospective or current tenants at the Criminal Justice Center, either in Respondent's chambers or other parts of the building, for purposes of signing leases, collecting rent or addressing other rental issues;
- d. prepared lease agreements, eviction complaints, affidavits of possession, writs and other court documents relating to rental properties;
- e. prepared and mailed correspondence to tenants regarding delinquent rental payments;
- f. filed eviction complaints, judgments and other court documents at Landlord Tenant Court;
- g. appeared at landlord/tenant proceedings concerning Respondent's eviction actions;
- h. placed advertisements for Respondent's rental properties with local newspapers;
- i. received and returned telephone calls from prospective tenants resulting from the advertisements;

- j. corresponded with, and/or telephoned, utility companies which serviced Respondent's rental properties;
 - k. prepared and mailed payment checks to utility companies for bills relating to Respondent's rental properties;
 - l. prepared and made bank deposits of rental payment proceeds;
 - m. organized receipts relating to Respondent's properties for submission to an accountant for preparation of Respondent's tax returns.
10. Fleming engaged in one or more of the following activities concerning all of Respondent's properties (both rental and non-rental), on a regular and continuing basis, on behalf of Respondent, at the request of Respondent and/or with Respondent's full knowledge and complicity:
- a. corresponded with, telephoned and/or visited L&I concerning violations issued to Respondent;
 - b. corresponded with, telephoned and/or visited various government offices, (i.e. Water Department and Department of Revenue) for purposes of paying bills or property taxes;
 - c. received invoices, prepared and mailed checks for payment of various bills relating to Respondent's properties, including utility companies, construction contractors, government agencies and retail vendors;

11. The activities described in paragraphs nine (9) and ten (10) were performed by Fleming primarily at her work station in Respondent's judicial chambers between the hours of 8:30 a.m. and 4:30 p.m.

12. At times, when it was necessary for Respondent to advertise a rental vacancy, he used, or otherwise permitted, his judicial office address and/or telephone number to be listed in classified rental advertisements, written correspondence to tenants or prospective tenants, and on rental signs.

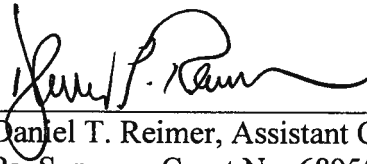
13. While engaging in the conduct described in paragraphs nine (9) and ten (10) above, Respondent and Fleming utilized court resources, including but not limited to, computers, telephones, fax machine, paper, envelopes and postage.

14. The allegations contained in the paragraphs three (3) through thirteen (13) of this Board Complaint subject the Respondent to discipline pursuant to Article V, § § 17(b) and 18(d)(1) of the Pennsylvania Constitution for the following reason:

COUNT 1: Respondent has violated Article V, § 18(d)(1) of the Pennsylvania Constitution by engaging in conduct which brings the judicial office into disrepute.

WHEREFORE, Willis W. Berry, the Common Pleas Court Judge named in these charges, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 17(b) and § 18(d)(1).

Respectfully submitted,



Daniel T. Reimer, Assistant Counsel
Pa. Supreme Court No. 68955

Date: January 5, 2009

Judicial Conduct Board
301 Chestnut Street, Suite 403
Harrisburg, PA
(717) 234-7911

COMMONWEALTH OF PENNSYLVANIA

COURT OF JUDICIAL DISCIPLINE

In re:

Willis W. Berry :
Common Pleas Court :
First Judicial District of Pennsylvania : 1 JD 2009
Philadelphia County :
:

VERIFICATION

I am Assistant Counsel for the Judicial Conduct Board and I am authorized to make this verification and file the foregoing *BOARD COMPLAINT*. I verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the Board Complaint. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: January 5, 2009



Daniel T. Reimer, Assistant Counsel
Pa. Supreme Court No. 68955

Judicial Conduct Board
301 Chestnut Street, Suite 403
Harrisburg, PA 17101
(717) 234-7911

COMMONWEALTH OF PENNSYLVANIA

COURT OF JUDICIAL DISCIPLINE

In re:

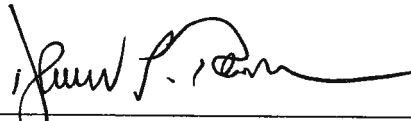
Willis W. Berry :
Common Pleas Court :
First Judicial District of Pennsylvania : 1 JD 2009
Philadelphia County :
:

PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on January 5, 2009 a copy of this *BOARD COMPLAINT* was personally served upon the following counsel for the Respondent:

Samuel C. Stretton, Esquire
Attorney at Law
301 High Street
P.O. Box 3231
West Chester, PA 19381-3231

Respectfully submitted,



Daniel T. Reimer, Assistant Counsel
Pa. Supreme Court No. 68955

Judicial Conduct Board
301 Chestnut Street, Suite 403
Harrisburg, PA 17101
(717) 234-7911