

**League of Women Voters of Pennsylvania  
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**For Immediate Release**

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**Case to be debated in the courtroom, not in news media**

Since the May 19, 2008 filing of the League of Women Voters of Pennsylvania lawsuit against former Supreme Court Judge Ralph J. Cappy, the League and its attorney Paul A. Rossi have been actively criticized by the Defendant, Justice of the Supreme Court Castille and a few members of the General Assembly.

It is the League's position that every allegation and legal claim contained in the complaint is both true and factually supported. The League has the right to challenge conduct that violated the Constitutional rights of the League as a litigant in prior litigation before the Pennsylvania courts. The case presents the fairly unremarkable and simple argument that secret discussions by judges with those who had interests then pending before them poses the appearance and risk of impropriety, and thus compromises the due process we expect of our judicial system as Americans. Allegations by Members of the General Assembly as to the alleged substance of those secret discussions are certainly admissible evidence that Chief Justice Cappy's conduct had the appearance of impropriety with regard to the League's gambling litigation, and were widely perceived as such, raising serious issues as to due process of law.

It is certainly appropriate to raise such issues in the forum where they belong: a court of law. The League has evidence to support every claim made in its Complaint, as required by the federal court rules. Due process now requires that they be heard, and that further evidence be discovered and presented, and then that judgment be rendered. It is therefore inappropriate for a sitting Chief Justice to call for sanctions the day after a Complaint is filed. No one has the right to attempt to truncate the federal process or to try to end-run due process of law. It is troubling that the current Chief Justice would suggest doing so at all – but especially in a matter that raises serious questions about his predecessors and his Court having done exactly that in the past.

Justice Castille's comments could well be a violation of Attorney Rossi's own First Amendment rights; the First Amendment rights of the League to petition government; and, if he carries out his threats to sanction the League or call for disciplinary action against the League's attorney, may state a violation of the Supremacy Clause, as the Complaint is valid and filed under the Federal Rules of Civil Procedure (which is federal

law). We expect Chief Justice Castille to respect the legal process and the judicial system as much as the League does.

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