

**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

**A RESOLUTION IMPEACHING ROLF LARSEN**  
**JUSTICE OF THE PENNSYLVANIA SUPREME COURT**  
**FOR MISBEHAVIOR IN OFFICE**

**SUBCOMMITTEE ON COURTS**

**Frank Dermody, Chairman, Subcommittee**  
**Daniel Clark, Minority Chairman, Subcommittee**  
**Thomas Caltagirone, Chairman, House Judiciary Committee**  
**Jeffrey E. Piccola, Minority Chairman, House Judiciary Committee**  
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**Babette Josephs, Member**  
**Dennis M. O'Brien, Member**  
**Christopher Wogan, Member**

**April 22, 1994**

**A RESOLUTION IMPEACHING ROLF LARSEN, JUSTICE OF THE  
PENNSYLVANIA SUPREME COURT, FOR MISBEHAVIOR IN OFFICE**

BE IT RESOLVED, that Rolf Larsen, a Justice of the Supreme Court of the Commonwealth of Pennsylvania, be impeached for misbehavior in office, and that the following Articles of Impeachment be exhibited to the Senate:

**Articles of Impeachment Exhibited by the House of Representatives of the Commonwealth of Pennsylvania in the Names of Itself and All of the People of Pennsylvania, Against Rolf Larsen, a Justice of the Supreme Court of Pennsylvania, in Maintenance and Support of Its Impeachment Against Him for Misbehavior in Office.**

**Article I**

From at least 1980 and continuing into 1991, Justice Larsen instructed his office staff to track certain petitions for allowance of appeal to the Supreme Court of Pennsylvania, so that the petitions could be specially handled by the Justice and his staff.

These petitions were put on a special list and tracked not because of the legal issues presented, but because the attorneys involved were friends of and made political contributions to Justice Larsen.

Contrary to his ordinary practice, Justice Larsen would have papers relating to petitions on the special list brought to his attention as soon as they came into his office, and would demand to be notified when allocatur reports in such cases assigned to other justices were received by his office. In certain cases, he would write allocatur reports or counter-reports recommending allowance or denial of appeal according to the position espoused by the attorneys who were his friends and political contributors. In others, he would join or

oppose the recommendation of other justices, according to the position espoused by the attorneys who were his friends and political contributors. In some instances, Justice Larsen would take affirmative steps to cause a petition to be granted through the allocatur process (which is not in the public view) and would then recuse himself when the same case was heard on the merits because of his association with an attorney involved in the case. By such conduct, Justice Larsen abused his judicial discretion, acted on account of selected private interests, and failed to act in a fair and impartial manner with respect to all litigants seeking to have appeals heard before the Supreme Court of Pennsylvania.

Wherefore, Justice Rolf Larsen is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

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## Article II

Richard Gilardi, Esquire, once a friend and political supporter of Justice Larsen, represented parties in two cases in which petitions for allowance of appeal were pending before the Pennsylvania Supreme Court in early 1988. The cases were Buttermore v. Aliquippa Hospital, 579 W.D. Alloc. Dkt. 1987, and Driscoll v. Carpenters District Council of Western Pennsylvania, 79 W.D. Alloc. Dkt. 1988. In early 1988, Gilardi met Justice Larsen and requested that Justice Larsen, contrary to his ordinary practice, personally review the pending petitions and the briefs in opposition. At Justice Larsen's direction, Gilardi came to Justice Larsen's chambers and gave Justice Larsen copies of the cover pages from the Buttermore and Driscoll cases. On each cover page, as requested by Justice Larsen,

Gilardi indicated in writing the position that Gilardi was advocating. On the coversheet for the Buttermore case, in which Gilardi's client was opposing allowance of appeal, Gilardi wrote the word "NO." On the coversheet for the Driscoll case, in which Gilardi's client was seeking allowance of appeal, Gilardi wrote the word "YES." In Buttermore, Larsen recommended denial of appeal, consistent with the position being advocated by Gilardi. In Driscoll, Justice Larsen voted to join in Justice McDermott's recommendation that appeal be allowed, again in accordance with the position advocated by Gilardi.

By encouraging an improper ex parte contact by Attorney Gilardi at a time when Gilardi had cases pending before the Supreme Court, and by taking steps to benefit Gilardi's position in those cases, Justice Larsen abused his judicial discretion, acted on account of selected private interests, and failed to act in a fair and impartial manner with respect to all litigants seeking to have appeals heard before the Supreme Court of Pennsylvania.

Wherefore, Justice Rolf Larsen is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

### Article III

On April 19-20, 1993, July 19, 1993, and September 9, 1993, Justice Larsen testified before the Ninth Statewide Investigating Grand Jury in connection with Grand Jury Notice No. 9. In the course of his testimony, Justice Larsen, while under oath to tell the

truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make false statements which were intended to mislead the Grand Jury.

One false statement was, in substance, that Justice Larsen never discussed with Richard Gilardi, Esquire, two pending petitions for allowance of appeal in which Gilardi represented a party in early 1988.

A second false statement was, in substance, that Attorney Gilardi never delivered to Justice Larsen's chambers the cover sheets from the Buttermore and Driscoll petitions for allowance of appeal in early 1988 or at any other time.

Wherefore, Justice Rolf Larsen is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

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#### Article IV

On or about May 30, 1986, Justice Larsen initiated a private ex parte meeting with Judge Eunice Ross of the Allegheny County Court of Common Pleas in her chambers on May 30, 1986, regarding a civil court case then pending before Judge Ross. In the meeting, Justice Larsen provided information from an alleged undisclosed source which was potentially beneficial to a litigant in the matter who was represented by Attorney James Ashton, a friend of Justice Larsen.

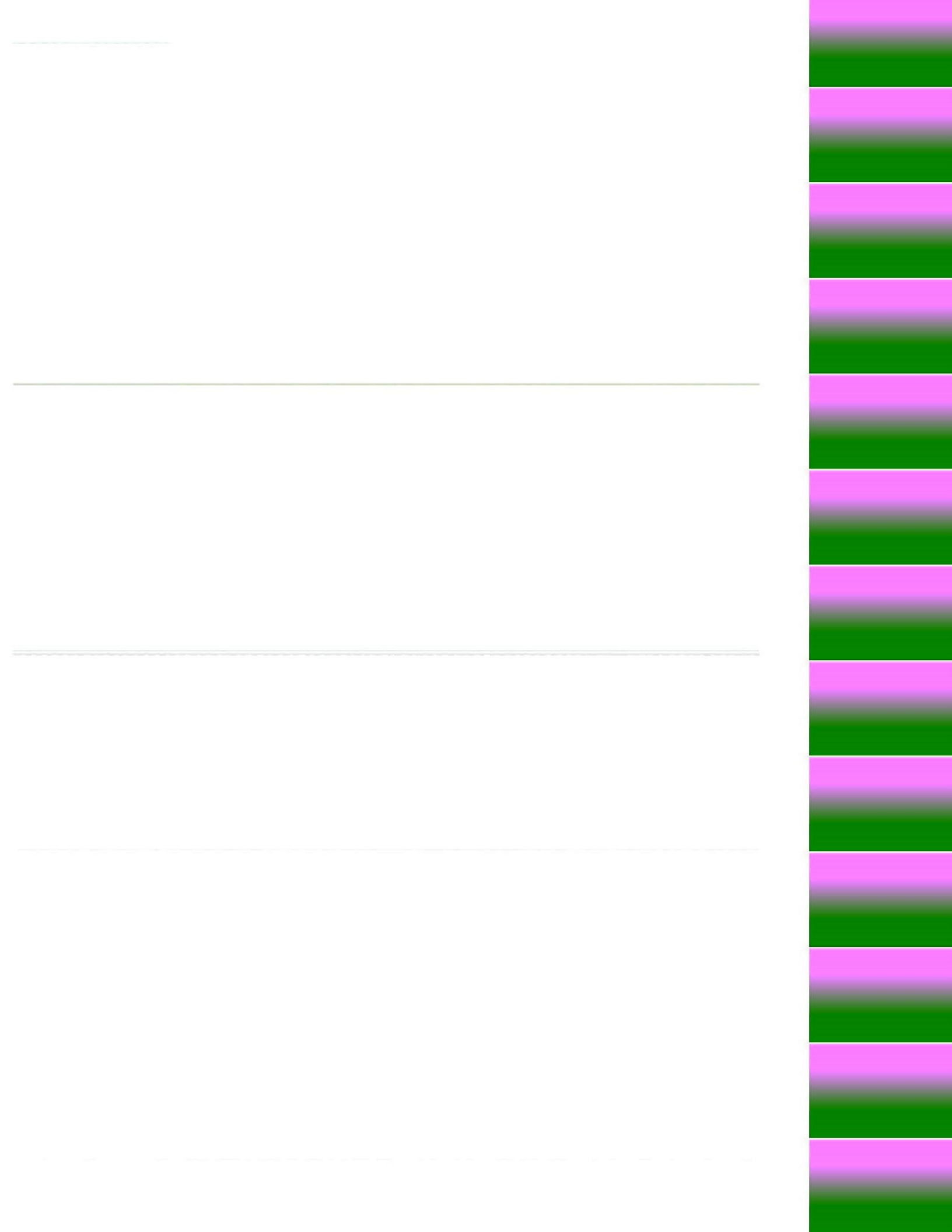
Justice Larsen disregarded accepted channels of communication in providing the information ex parte to Judge Ross, raising an appearance of impropriety detrimental to public confidence in the judiciary.

Wherefore, Justice Rolf Larsen is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

#### Article V

On October 14, 1992, the Pennsylvania Supreme Court adopted the recommendation of the Judicial Inquiry and Review Board (JIRB) that Justice Larsen be publicly reprimanded for the improper ex parte communication with Judge Eunice Ross on or about May 30, 1986. Justice Stephen A. Zappala and Justice Ralph J. Cappy voted in favor of the Order, while Justice Nicholas P. Papadakos dissented. On or about November 24, 1992 and December 15, 1992, Justice Larsen, acting pro se, filed a petition and supplemental petition for disqualification and recusal of Justices Zappala and Cappy, alleging that they and other individuals had engaged in various forms of criminal and other misconduct. Justice Larsen verified that the allegations of each petition were true and correct, and subject to the Pennsylvania statute prohibiting unsworn falsification to authorities. The following sworn allegations in the petitions by Justice Larsen were made in bad faith, with a reckless disregard for the truth:

1. That Justice Zappala received kickbacks for directing bond work to his brother's underwriting firm, and was being investigated for this conduct.
2. That Justice Zappala met ex parte with litigants in the Port Authority and PLRB cases and guided those matters through the Supreme Court in a special manner.



Schedule IV controlled substances under the Controlled Substances, Drug, Device, and Cosmetics Act. At Justice Larsen's direction, the staff members would pick up the drugs at a pharmacy, then give the drugs to Justice Larsen for his own use. Payment for the drugs would be made under the staff members' taxpayer-funded state employee benefit plan.

Justice Larsen misused the prominence and authority of his position as a Supreme Court Justice to influence court employees to participate in an unlawful conspiracy to conceal his prescription drug use, exposing them, as well as Dr. Humphreys, to potential prosecution under Pennsylvania's criminal laws and other serious consequences. A twelve-person jury in Allegheny County Court of Common Pleas found Justice Larsen guilty of felony conspiracy charges beyond a reasonable doubt.

Wherefore, Justice Rolf Larsen is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.

#### Article VII

Justice Larsen, who as a Pennsylvania Supreme Court Justice took an oath to defend the Constitutions of the United States and the Commonwealth of Pennsylvania, and to discharge the duties of his office with fidelity, and who is bound to uphold the integrity of the judiciary, to avoid impropriety and the appearance of impropriety, and to perform the duties of his office impartially, did, through actions including --

a. maintaining a system to specially track selected petitions for allowance of appeal in cases in which counsel to one of the parties was a friend of Justice Larsen;



b. improperly meeting ex parte with Attorney Richard Gilardi, and giving preferential treatment to petitions for allowance of appeal in two cases in which one of the parties was represented by Mr. Gilardi;

c. falsely testifying before the grand jury that the ex parte contact with Richard Gilardi concerning two pending petitions for allowance of appeal never took place;

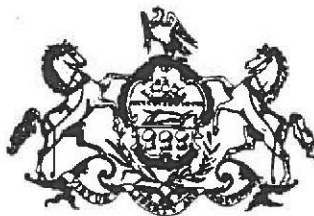
d. initiating an improper ex parte meeting with Judge Eunice Ross, in a matter involving a friend who was counsel to a party in a case pending before Judge Ross;

e. deliberately misusing the legal process in making unfounded allegations of criminal and judicial misconduct against Justices Zappala and Cappy; and

f. misusing his position as a Supreme Court Justice to induce court employees to engage in criminal misconduct;

undermine confidence in the integrity and impartiality of the judiciary and betray the trust of the people of the Commonwealth of Pennsylvania, thereby bringing disrepute on the courts of the Commonwealth, and rendering Justice Larsen unfit to continue to serve as a Justice of the Supreme Court of Pennsylvania.

Wherefore, Justice Rolf Larsen is guilty of an impeachable offense warranting removal from office and disqualification to hold any office of trust or profit under this Commonwealth.



**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

AND NOW, this 22nd day of April 1994, we, the undersigned members of the Subcommittee on Courts of the Judiciary Committee of the PA House of Representatives, do by our signature, hereby acknowledge our vote and recommendation, that the Judiciary Committee adopt the foregoing Resolution Impeaching Rolf Larsen, Justice of the Pennsylvania Supreme Court, for Misbehavior in Office, and so report to the Judiciary Committee.

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Frank Dermody, Chairman  
Subcommittee on Courts

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Daniel Clark, Minority Chairman  
Subcommittee on Courts

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