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## Inaugural Arlen Specter Award Goes to Marsha Levick

**BY ZAC NEEDLES**

*Of the Legal staff*

The Juvenile Law Center's Marsha Levick, who was at the forefront of the fight to expose what eventually became known nationwide as the Luzerne County "kids-for-cash" scandal, became the first lawyer to be honored with The Legal's Arlen Specter Award on Thursday night.

The award, which was presented at The Legal's 170th Anniversary Dinner, was designed to honor the late senator's legacy and recognize the attorney or judge who in the past 10 years has done the most to promote the law, the legal profession or the cause of justice in Pennsylvania.

The other finalists were Senior Judge John M. Cleland, who chaired the Interbranch Commission on Juvenile Justice and presided over the Jerry Sandusky trial, and attorney Joe H. Tucker Jr., the founder and head of Tucker Law Group.

Levick, who was in Japan when the award was announced, had recorded a video in the event she was the winner. After thanking her colleagues at the JLC and Dan Segal and Rebecca Melley of Hangley Aronchick Segal Pudlin & Schiller, who worked with her on the Luzerne County civil litigation, Levick turned her attention to the victims of the corrupt former Luzerne County judges.

"I accept this award on behalf of the children and families of Luzerne County and I dedicate this award to them," Levick said. "They fell prey to

what I think we all recognize as probably the largest judicial scandal in the history of the American legal system. I'm glad they finally had the opportunity to see what justice actually looks like."

Levick said the award had special meaning, given that it was named after Specter, who she called "a dedicated, lifelong public servant," who had "an extraordinary career," and whose work, particularly in the U.S. Senate, had a "lasting impact."

She congratulated Cleland and Tucker for also being finalists, and later ended her acceptance speech by saying she hoped that one day the work she was being lauded for would no longer be considered extraordinary but "ordinary."

Levick said she hoped that one day the work of the JLC would not be considered "special," but "the fulfillment of an oath."

The finalists for the award and the winner were picked by a special panel consisting of Gina Passarella and Michael Riccardi of The Legal, Albert S. Dandridge III, Claudine Homolash, Kenneth Horoho, Thomas R. Kline, Grace Manno, Jeremy D. Mishkin, Dauphin County Court of Common Pleas Judge Jeannine Turgeon and Raymond M. Williams.

### TAKING ON CORRUPT JUDGES

Through the Juvenile Law Center, the Philadelphia-based organization she co-founded, Levick has advocated tirelessly on behalf of juveniles who were victimized by the actions of two

corrupt state judges and their cohorts. But the case that brought her most to the forefront of public attention was her role in helping to expose the Luzerne County "kids-for-cash" scandal.

Today, though a number of the key players in the scandal are serving lengthy prison sentences, Levick continues to fight for the young victims in an effort to ensure they can move on with their lives and put these ugly events behind them.

Levick's role in uncovering the scandal began in April 2008, when the JLC filed a petition asking the state Supreme Court to grant extraordinary jurisdiction or King's Bench power to review the cases of two juveniles.

Both children were committed to detention facilities by former Luzerne County Court of Common Pleas President Judge Mark A. Ciavarella Jr. under circumstances where they were not represented by counsel.

The petition asserted that since October 1, 2005, when the state adopted new Juvenile Procedural Court Rules, hundreds of juvenile offenders had been forced to appear in court without lawyers, resulting in unconstitutional admissions of guilt, delinquency adjudications and out-of-home placements.

"These children were very quickly adjudicated and quickly put into placement," Levick, the JLC's deputy director and chief counsel, told The Legal around that time.

The JLC's petition said data from Luzerne County in 2005 and 2006 showed half of all juveniles who ap-

peared in county court did so without a lawyer — far more than the statewide average of 5.9 percent.

Of those who appeared in court without an attorney and were adjudicated delinquent, about 60 percent were removed from their homes, the petition said.

Despite these statistics, the Supreme Court denied the petition January 8, 2009.

On January 22, 2009, however, the U.S. Attorney's Office for the Middle District of Pennsylvania announced that Ciavarella and former Senior Judge Michael T. Conahan had conditionally agreed to plead guilty to honest service wire fraud charges.

Less than two weeks later, on February 2, the Supreme Court issued a one-line order vacating its previous denial of the JLC's petition, pending further action by the court.

Fast-forward to the present and Luzerne County is widely considered to be home to the worst judicial scandal in Pennsylvania history.

Levick, meanwhile, has remained involved and outspoken every step of the way.

Ciavarella and Conahan's plea deals, in which they each agreed to an 87-month prison sentence, were tossed out by U.S. District Judge Edwin M. Kosik of the Middle District of Pennsylvania in July 2009.

That September, the two judges pled not guilty to 48 new counts, including racketeering and related charges.

Levick and the JLC were further vindicated by the Supreme Court's March 2010 order directing that all adjudications of delinquency and all consent decrees entered by Ciavarella between January 1, 2003, and May 31, 2008, be vacated, and that all records be expunged in cases in which the juveniles were not represented by counsel in front of Ciavarella or the juveniles were committed by Ciavarella to private juvenile detention facilities PA Child Care or Western PA Child Care.

In April 2010, Conahan agreed to enter an open-ended plea agreement, in which he pled guilty to accepting more than \$2.8 million in kickbacks, along with Ciavarella, from Robert K. Mericle, the builder, and Robert J. Powell, the former co-owner of PA Child Care and Western PA Child Care.

In February 2011, a federal jury in Scranton found Ciavarella guilty of 12 of 39 counts of corruption filed against him, including racketeering, racketeering conspiracy, honest services mail fraud, money laundering conspiracy and a host of tax fraud charges.

Speaking to *The Legal* immediately following Ciavarella's conviction, however, Levick made it clear that the battle wasn't over.

"The constitutional violations that we have alleged from day one weren't really a part of the criminal litigation," Levick said at the time. "But those charges remain. The strongest statement about their validity is what the Pennsylvania Supreme Court did last year, which is to vacate and dismiss with prejudice [all the juveniles' adjudications]."

That August, Kosik sentenced Ciavarella to 28 years in federal prison.

In September 2011, Kosik sentenced Conahan to 17-and-a-half years in federal prison.

Shortly after Conahan's sentence came down, Levick told *The Legal* it was "important that the justice system treat what happened in Luzerne as seriously as the victims and the families of the kids have viewed it and, frankly, as seriously as history will view it."

Levick's work on behalf of the victims of the Luzerne County scandal continues to this day.

Levick is currently serving as plaintiffs co-counsel in *Wallace v. Powell*, a class action suit in the Middle District of Pennsylvania filed by a number of juveniles and their parents

against, among other defendants, Mericle, Powell, Conahan and Ciavarella.

On December 14, 2012, U.S. District Judge A. Richard Caputo of the Middle District of Pennsylvania approved a settlement in *Wallace* in which Mericle agreed to pay \$17.75 million.

In addition, the Supreme Court has adopted several of the juvenile justice procedural rule amendments championed by Levick and the JLC, including those requiring extensive colloquies of juveniles before allowing them to waive counsel or admit guilt and prohibiting the use of restraints on juveniles during court proceedings. •