

**M.O. - Newman, J.**

**[J-251-1998]  
IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

IN RE: RICHARD D. CICCHETTI, : No. 92 M.D. Appeal Docket 1997  
FORMER JUDGE AND PRESIDENT : No. 93 M.D. Appeal Docket 1997  
JUDGE COURT OF COMMON PLEAS :  
FOURTEENTH JUDICIAL DISTRICT : Appeal from the Order of Court of Judicial  
FAYETTE COUNTY : Discipline entered July 8, 1997 at No. 2  
: JD 96  
:  
APPEAL OF: JUDICIAL CONDUCT :  
BOARD (at 92MDA97) :  
: ARGUED: NOVEMBER 18, 1998:  
APPEAL OF: RICHARD D. CICCHETTI :  
(at 93MDA97) :  
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**CONCURRING AND DISSENTING OPINION**

**MR. JUSTICE CAPPY**

**DECIDED: January 13, 2000**

I join the majority opinion in affirming the decision of the Court of Judicial Discipline. I disagree, however, with the decision of the majority to prospectively bar court-appointed employees from participation in judicial retention elections.

Retention elections are designed to insulate sitting jurists from being forced to engage in partisan politics. Barring court-appointed employees from involvement in retention election activities on the basis that such involvement creates the appearance of

improper political activity undermines the perception that retention elections are non-political. As I strongly believe that greater strides should be taken to enhance the public belief that retention elections are not political, I am compelled to dissent from that portion of the majority opinion.

Accordingly, for the reasons stated herein, I join in part and dissent in part to the majority opinion.