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[Back to Article](#)

Sources: Justice McCaffery Contacted FJD About Cases

According to several knowledgeable sources in the Philadelphia court system, Pennsylvania Supreme Court Justice Seamus P. McCaffery contacted a high-level Philadelphia Court of Common Pleas leader about civil cases in 2012. Two of the cases, sources said, involved a law firm that had previously paid a referral fee to McCaffery's spouse.

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According to several knowledgeable sources in the Philadelphia court system, Pennsylvania Supreme Court Justice Seamus P. McCaffery contacted a high-level Philadelphia Court of Common Pleas leader about civil cases in 2012. Two of the cases, sources said, involved a law firm that had previously paid a referral fee to McCaffery's spouse.

One source who is knowledgeable of the court system also said the Philadelphia-based justice also has contacted court leadership regarding filling jobs and filling judicial leadership roles.

In terms of contacts about cases made to the Philadelphia Court of Common Pleas, Pennsylvania Chief Justice Ronald D. Castille said "some information was given to me about attempts to manipulate the transfer of further cases and I ordered that they not be transferred."

However, Castille said that he could not address if it was McCaffery who made contact to the court system. Further, the chief justice said that he could not discuss any further action that was taken because of confidentiality.

Castille was liaison justice to the FJD until January, when his colleagues tapped Justice J. Michael Eakin to take on that role.

Sources said two of the cases were ones in which Philadelphia Court of Common Pleas Judge Allan L. Tereshko was the presiding judge and ones in which the same plaintiffs firm was prosecuting the cases on behalf of clients.

In the first instance of a contact about a case, sources said McCaffery contacted Philadelphia Court of Common Pleas Judge John W. Herron, who was appointed as the administrative judge of the trial division in November 2011, in early 2012. According to those sources, McCaffery complained that Tereshko, newly appointed as Herron's pick to be supervising judge of civil cases, was handling older cases.

Later, multiple sources said, former Supreme Court Justice Russell M. Nigro contacted Herron about Tereshko's handling of older cases, and indicated that McCaffery had raised the issue to him. One of those older cases was being prosecuted by the plaintiffs firm that had previously paid a referral fee to Lise Rapaport, who is married to McCaffery, sources said.

The cases were not ultimately transferred, according to sources, and it is not clear whether the firm was aware of any efforts to make contact about the cases.

In the second instance of contact about a case, sources said McCaffery contacted a court leader to complain that Tereshko had granted a forum non conveniens motion in another of the firm's cases.

McCaffery, in a past statement of financial interest, has disclosed the firm as one of several firms that had paid income to Rapaport. Rapaport has worked in McCaffery's chambers for over a decade.

An attempt to reach McCaffery on Tuesday was unsuccessful. An attempt to reach Nigro also was unsuccessful. Herron and Tereshko declined comment.

Asked in an initial interview if McCaffery had reached into the Philadelphia court system, Castille said of McCaffery that "he has an interest in the court system having come from it. But I always said it would be inappropriate for him to be running that system or being liaison to it because he has too many friends over there."

Later, Castille said "he has too many enemies over there. It would be improper for him to be reaching into the court system to try to affect cases or assignments or things of that nature."

One source who has knowledge of the court system said that McCaffery's interest in the system in which he once sat as a Philadelphia Municipal Court judge is a "mixed bag. He's been very helpful in the criminal justice reform project, especially in the creation of the bench warrant court."

But the negatives, the source said, are that McCaffery has been engaged in the FJD's daily operations in terms of filling jobs and suggesting that someone besides Tereshko be the supervising judge of civil cases.

Tereshko resigned as supervising judge in October after he was taken to task by the Pennsylvania Superior Court for failing to disclose that his spouse worked for a law firm representing a defendant in a motor vehicle insurance case over which Tereshko was presiding.

Later, Tereshko was transferred from civil court to juvenile court. Transfers between divisions must be approved by the Supreme Court.

The Philadelphia Inquirer reported on its website Monday night and in its print edition Tuesday that the FBI was investigating McCaffery over the referral fees. Sources have confirmed to *The Legal* that the FBI is investigating McCaffery.

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