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COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DICIPLINE

IN RE:

PRESIDENT JUDGE
FARLEY TOOTHMAN
COURT OF COMMON PLEAS
13TH JUDICIAL DISTRICT
GREENE COUNTY

No. 1 JD 20

MOTION FOR REMOTE TESTIMONY

Filed on behalf of:
JUDGE FARLEY TOOTHMAN (Ret.)

Counsel of record for this party:

Bethann R. Lloyd, Esquire
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MOTION FOR REMOTE TESTIMONY

Retired Judge Farley Toothman, by and through his undersigned counsel, respectfully presents this Motion for Remote testimony. In support of his Motion, Judge Toothman states as follows:

1. On October 27, 2021, the Court of Judicial Discipline issued an Order providing for the Sanction Hearing in this matter to be held on December 10, 2021.
2. On November 23, 2021, Retired Judge Toothman filed a Petition for Allowance of a Subpoena with the Supreme Court of Pennsylvania to allow the Honorable Judge Jolene Grubb Kopriva of Blair County to provide testimony. Another Petition may be filed as well.
3. Judge Kopriva has a pre-existing commitment out of state, and therefore is unable to appear in person, but is able to testify by remote means.
4. If the Petition is granted and the Judge permitted to testify, the undersigned counsel believes the Judge's testimony will be very short and concise which supports allowing her to testify remotely.
5. Remote testimony further allows a witness to attend to other matters rather than spend hours travelling for testimony of short duration, or being unable to appear at all.
6. Additionally, avoiding unnecessary travel is advantageous in light of COVID-19 concerns.
7. As of November 12, 2021, there had been 1,618,870 COVID-19 cases statewide in the Commonwealth of Pennsylvania, with 32,279 deaths from COVID-19.¹

¹ See Department of Health: Over 14.4 Million Vaccinations to Date, 72.8% of Pennsylvanians Age 18 and Older Fully Vaccinated last visited November 15, 2021.

8. The hearing and witness testimony of Judge Toothman's witnesses can be taken with Advanced Communication Technology such as Zoom or Teams video conferencing or even via telephone, at the convenience of the Court. Upon information and belief, these means of testimony have been utilized during the pandemic by this Court and throughout the Commonwealth.

9. The ongoing pandemic, the travel distance of witnesses and the unavailability of this particular witness in person, are individually and collectively good cause for this Court to permit remote testimony by Advanced Communication Technology such as Zoom or Teams video conferencing or by telephone, in the alternative.

WHEREFORE, Retired Judge Toothman respectfully requests that the Court permit remote video or telephone testimony for the December 10, 2021 Sanctions Hearing.

Respectfully,

DIBELLA WEINHEIMER



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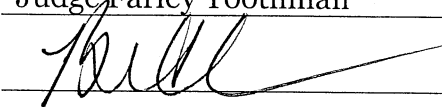
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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that required filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Counsel for Petitioner, Retired
Judge Farley Toothman

Signature: 

Name: Bethann R. Lloyd, Esq.

Attorney ID No. 77385

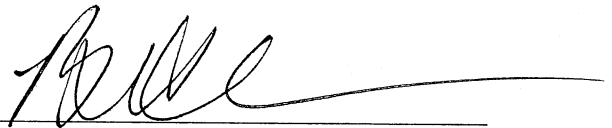
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within **MOTION FOR REMOTE TESTIMONY** has been served on counsel and/or parties of record, by U.S. First Class Mail, and by Email, on this 23rd day of November 2021, to the following:

Richard W. Long, Chief Counsel
Melissa L. Norton, Deputy Counsel
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
Harrisburg, PA 17106

Respectfully,

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