COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE:	:	
	:	
Thomas A. Placey	:	
Court of Common Pleas	:	No. 2 JD 20
9th Judicial District	:	
Cumberland County	:	

BEFORE: Honorable James C. Schwartzman, P.J., Honorable James J. Eisenhower, J., Honorable Ronald S. Marsico, J., Honorable Daniel D. McCaffery, J., Honorable Daniel E. Baranoski, J., Honorable Jill E. Rangos, J., Honorable Thomas E. Flaherty, J., Honorable Sonya M. Tilghman*, J.

PER CURIAM FILED: February 14, 2022

OPINION AND ORDER

Former Judge Thomas A. Placey of the Court of Common Pleas of Cumberland County is before this Court for the determination of the appropriate sanction for his violations found in our Opinion and Order of September 8, 2021. In that Opinion and Order this Court found violations in Former Judge Placey's failure to control his temper in court.

Factors Considered in Determining Sanction

In determining what sanction will be imposed for an ethical violation this Court is guided by the jurisprudence of our Supreme Court, and also by its prior decisions. Pennsylvania has adopted ten non-exclusive factors, sometimes called "Deming factors" from the original Washington State case where they were exposited. ***In re Roca,* 151 A.3d 739, 741 (Pa.Ct.Jud.Disc. 2016), *aff'd*, 173 A.3d 1176 (Pa. 2017), citing *In re Toczydlowski*, 853 A.2d 20 (Pa.Ct.Jud.Disc 2004); *In re Deming,* 736 P.2d 639 (Wa. 1987).** The ten factors and their application to this case are as follows:

1. Whether the misconduct is an isolated instance or evidenced a pattern of conduct: The conduct at issue here does involve multiple incidents of similar misconduct as Former Judge Placey admits.

2. The nature, extent, and frequency of occurrence of the acts of misconduct: The misconduct by Former Judge Placey involved repeated incidents of shouting at those appearing before him.

3. Whether the conduct occurred in or out of the courtroom: The conduct generally occurred inside the courtroom.

4. Whether the misconduct occurred in the judge's official capacity: The misconduct at issue here was committed in Former Judge Placey's capacity as a judge.

5. Whether the judge acknowledged or recognized that the acts occurred: Former Judge Placey has acknowledged his improper conduct.

6. Whether the Judge has evidenced an effort to change or modify his conduct: Former Judge Placey has voiced contrition over his misconduct, engaged with medical help and resigned from the bench.

7. The length of service on the bench: Former Judge Placey served as a judge for eight years.

8. Whether there have been prior complaints about the judge: There have not been prior complaints about Former Judge Placey but there are several incidents included in this case.

9. The effect the misconduct has upon the integrity of and respect for the judiciary: Former Judge Placey's misconduct eroded respect for the judiciary although that is tempered by an understanding of his medical difficulties.

10. The extent to which the judge exploited his or her position to satisfy personal desires: There is no evidence Former Judge Placey committed the violations for personal gain or satisfaction.

Discussion

Former Judge Placey's improper conduct was discussed at length in the Opinion and Order of September 8, 2021. Former Judge Placey's rude, loud outbursts are clearly improper and cannot be tolerated in a courtroom.

In *In re Hladio*, 220 A.3d 1219 (Pa.Ct.Jud.Disc. 2019), we considered rude conduct in court by a magisterial district judge with mental difficulties and sanctioned him with a reprimand. Similarly, in the case of *In re Maruszczak,* No. 1 JD 18, a magisterial district judge who shouted at and harassed former supporters while suffering from mental difficulties was sent for psychological counseling as part of a probationary sanction. The Court acknowledges Former Judge Placey's resignation and realization that he cannot serve as a judge in the future. Former Judge Placey sought medical help for his psychological difficulties before he was charged and has continued with that treatment. Those difficulties clearly played a major part in his misconduct.

The Sanction for Former Judge Placey is set as a reprimand for the misconduct in verbally abusing those appearing before him.

*Judge Tilghman did not participate in this case.