

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Judge Farley Toothman	:	
Court of Common Pleas	:	No. 1 JD 2020
13 <sup>th</sup> Judicial District	:	
Greene County	:	

**PRE-TRIAL MEMORANDUM**

Respondent, Judge Farley Toothman, who is now retired, by and through his undersigned counsel, Bethann R. Lloyd and Amy J. Coco, of Weinheimer Haber & Coco, P.C., respectfully files his Pre-Trial Memorandum as follows:

**1. PRELIMINARY STATEMENT**

When this matter was commenced, Respondent was President Judge of Greene County. On or about October 5, 2020, Respondent gave notice to the AOPC pursuant to Rule 704 of a temporary inability to perform his duties due to mental and physical health issues. Effective November 1, 2020, Respondent relinquished his duties as President Judge, due to ongoing health issues. Shortly thereafter, he announced he would not seek retention. As Respondent's health issues continued, including a period of hospitalization, his Rule 704 leave was extended to January 18, 2021. Respondent made the decision to retire effective January 3, 2021. Respondent's health issues are not resolved, even as of this time. Counsel remains concerned that Judge Toothman will not be able to testify at trial without risking a setback to his health conditions, although he is able to cooperate with counsel to discuss the case. During this process, the Judicial Conduct Board has courteously extended deadlines for Respondent's submissions. Also, counsel have discussed the potential for submission of this case by way of Stipulated Facts, as a means to move the case to conclusion. This Pretrial is submitted with that goal in mind.

## **2. STIPULATIONS**

Upon review of the Judicial Conduct Board's Pretrial Memorandum and proposed Stipulations, Respondent stipulates to the following paragraphs as written, but will propose additional stipulated facts so that each matter is more comprehensively addressed and with context:

*Procedural Background:* 1, 2, 3, 4, 5 and 6.

*Christy McCarty Matter:* 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33.

*Waynette Pellegrini Matter:* 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44.

*Kiger v. Depetris Matter:* 45, 46, 47, 48, 49, 50 and 51.

*Webster v. Frank:* 53, 54, 55 and 56.

*Local Court Rules:* 57, 58 and 59.

As to paragraphs 14, 52, with modifications, it is anticipated that the parties can reach a stipulation.

Respondent requests that the Judicial Conduct Board stipulate to the authenticity and admissibility of his Summary of Contributions to the Court and Community, which is attached as Exhibit A (previously attached as an Exhibit to Respondent's Omnibus Motion).

In addition, consistent with the above Preliminary Statement, Respondent's counsel anticipates proposing additional factual stipulations so as to provide a more complete record that in combination, may greatly, or even fully, obviate the need for a trial to determine the facts. At the Pretrial Conference, the undersigned counsel will request additional time and a deadline to complete this process.

**3. TRIAL WITNESS LIST**

- A. Judge Toothman incorporates all witnesses listed on the Pre-Trial Memorandum of the Judicial Conduct Board.
- B. Judge Farley Toothman, ret. (health permitting) 63 W. Franklin Street Waynesburg PA 15370. Respondent may testify as to all matters at issue, including his positive contributions to the Court and community.
- C. The Honorable Jolene Kopriva, Sr. 423 Allegheny St. Hollidaysburg, PA 16648. Judge Kopriva is Respondent's judicial mentor and could speak to her mentoring of Respondent in various areas that touch upon all matters at issue, including court administration and the handling of personnel matters, evidencing Respondent's desire to improve and learn strategies for handling his responsibilities of his position, prior to his retirement.
- D. Respondent respectfully requests the right to designate additional witnesses, in the event that the proposed stipulated case does not fully resolve all factual issues. Through that process, it is anticipated that the factual issues in dispute, to the extent any remain, will have been greatly narrowed.

**4. EXHIBITS**

- A. Judge Toothman incorporates all Exhibits listed on the Pre-Trial Memorandum of the Judicial Conduct Board.
- B. Summary of Contributions to the Court and Community (Attached as Exhibit A).
- C. Christy McCarty—Bench Warrant and Docket Information (Attached to Respondent's Reply Brief as Exhibit A).
- D. Transcript of Judge Toothman's Deposition Testimony
- E. All documents produced in the Judicial Conduct Board's Discovery Response Documents

**5. DISCOVERY CERTIFICATION**

Respondent, through his undersigned counsel, hereby certifies that he has furnished the Judicial Conduct Board with the materials required to be exchanged under C.J.D.R.P. No. 401(D)(1).

WEINHEIMER, HABER & COCO, P.C.



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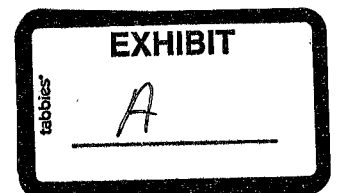
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*Summary of positive contributions made to the court and community*

**Farley Toothman, President Judge  
Since becoming PJ in 2015.**

**District Court Administration**

Implemented "One Court" Policies (Complacency to Competency Culture):  
Institutional Independence Project: AOPC Model: Privacy of Offices,  
eMail, Website, VOIP Phones, Copier Networks, Computers, waste  
OnLine Case & Personnel Calendar Management (35 calendars)  
Negotiated Confidentiality Agreements with County union personnel  
Initiated and Implemented Courthouse "At the Door" Access Security  
Implemented "Cellphone Use" Policy  
Implemented Website Administration at DCA Office  
Website access to OnLine "pro se" Documents  
Formalized "Annual Investiture" of Elected Officials  
Formalized "Law Day" w/High School participation  
Created Standard Practice for Constable certification  
Implemented Courthouse Mailing Station to conform with Service Rules  
Implemented "Judicial Library" paper & digital format.  
Personnel: Reformed personnel documents & hiring practices  
Implemented monitoring of Greene County ACT 13 GasFee - Judicial  
Implemented "Warrant" Issuance, Outstanding Management.  
Preservation & enhancement of historic Courthouse building & grounds.  
Implemented & Monitor "Case File Privacy" Policies  
Implemented "online" access to Criminal & (now) Civil Cases & dockets.  
Implemented "statistical review" policies.  
Implemented new Notice Requirements for Retirement Board  
Implemented quarterly "Board of Judges" meetings  
Implement quarterly "Safety and Security" meetings  
Rewrote "Local Rules" (last re-write 25 years earlier)  
Initiated "Certified Mediation" option  
Implemented "OneCourt" reform of "Community Service" Program of MDJ & CCP  
Implemented "Centralized Booking Center"  
Implemented a "Specialty Drug Court" and Re-entry Job Training Partnerships  
Implemented 3 Year Oversight Contract between CYS & American Bar  
Association  
Implemented Update of Continuity of Operations Plan, & lead Covid-19 response  
Implemented reform of Orphans Court docket & reporting.



#### Magisterial District Court Management

Delegated to Assistant Court Administrator  
Implemented quarterly "Board of Judges" meetings  
Implement quarterly "Safety and Security" meetings  
Installed MDJ Case Management & Reports Software in DCA Office

Courtrooms: All internet & digital technology capable  
Online Calendars available to Public  
Converted Law Library into 3rd Courtroom & Family Conference Rooms

Case Related: File Location Management System  
Transcript Request Reformed  
Case Management Spreadsheets  
Rewrote "Local Rules" (last re-write 25 years earlier)  
Initiated "Certified Mediation" option

#### Education/Outreach:

Routinely attend fairs, festivals & township annual meetings.  
Routinely host college & high school students

#### Sponsored Drug & Alcohol Town Hall Meetings: (October 2015-2017)

- Observer Reporter: Another Town Hall Meeting (10.1.16)
- Awareness rally and prevention efforts on the war against drugs through March for Greene (May 14, 2016)
- Herald Standard: March for Greene (5.6.16)
- Job fair and re-entry conference to include a focus on assisting community residents with criminal records to find employment (June 2016-present)
- Observer Reporter: 2nd Annual Re-Entry Job Fair (3.20.17)
- Coalition for a Brighter Greene formed through Town Hall to inform, educate, and empower Greene County citizens through prevention, accountability, and recovery (July 7, 2016-present)
- Coalition for a Brighter Greene: What we do
- Mental Health Task Force established and executed to apply additional resources to Greene County residents with serious mental health issues seen by the courts (2017-present)
- Greene County's Adult Drug Court was federally funded for implementation to address the growing number of drug related deaths in Greene County (2019-Present)
- Herald Standard: Greene County's First-Ever Drug Court (8.7.19)

County Awarded \$20,000 Grant by AOPC for Treatment Court. (5/22/2020)

## **Magisterial District Courts**

### Service of Process:

Implemented Constable certification and re-certification

Reformed MDJ "Community Service Program" into a single CCP County Probation and Parole education and retraining model. And addressed liability consequences.

Implemented survey of MDJ facilities w/regard to Safety, Security and efficiency.

## **Criminal Court**

### **Administration of Criminal Cases:**

Created "Drug & Alcohol Treatment Court" (presently funded & under certification)

Implemented Opioid Overdose Task Force

Implemented Standard procedures for Issuance, return & filing of Search Warrants:

### Delinquent Restitution:

Reformed collection of delinquent restitution, costs, fines & fees.

\$14M delinquent when became PJ. Now \$10M delinquent & cases are current.

Reformed "Community Service Program" into education and retraining focus under supervision of County Probation & Parole Office.

Reformed & Implemented "County Intermediate Punishment" Program w/Criminal Justice Advisory Board. Won challenges on appeal.

Office of Probation & Parole: Moved to remodeled Office Facility

Outfitted officers with personal protection & cell phones

Expanded Pre-Sentence Reports to include MDJ Cases & Mental Health

Integrated services to include pre-trial bail services for MDJ & CCP

Implementation of "Risk Assessments" as a best practice

## **Civil Court**

Reformed collection of delinquent restitution, costs, fines & fees.

\$14M delinquent when became PJ. Now \$10M delinquent & cases are current.

## **Orphans' Court**

Implementation of Guardian Tracking Systems

Cemeteries Identified: for required "Active Cemetery Accounting Reports"

Mental Health: Reformed MH hearing procedures w/Washington Hospital physicians to include extended "Community Treatment Team" options.

Greene County Elderly Abuse Task Force established to address the rising number of reports of elderly abuse, neglect, and financial exploitation (2016-present)

Elder Justice Day coordinated and held in July 2017

- Greene County Messenger: Elder Justice Day (8.5.18)
- Greene County establishes Elderly Guardianship Program to recruit volunteers in coordination with Area Agency on Aging, to assist with making life and medical decisions when they are no longer able to (January 2020-present)

## **Domestic Relations Court: Juvenile/Family/Children & Youth**

### Juvenile Delinquency:

Adopted "Peer Court" Process and Procedures with 4 School Districts

### Juvenile Dependency:

Children & Youth Procedures

Three Year Partnership Project w/Commissioners & American Bar Association

Adopted "County Truancy Manual" w/MDJ's, CYS & School Districts (456 Cases)

Greene County Messenger: Truancy Mediation Training (8.30.17)

Created Court Appointed Special Advocates (CASA of Greene Inc.) to help abused and neglected children (May 2, 2018-present)

- Greene County Messenger: A Voice for the Children (12.7.18)
- Foster Family Visitations



**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 on behalf of President  
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 PRETRIAL MEMORANDUM has been served on counsel and/or parties of record, by U.S. First Class Mail, postage prepaid (and by email), on this 5th day of March, 2010, 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 submitted,

WEINHEIMER, HABER & COCO, P.C.



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