

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

OCT 27 2020

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

IN RE:

Judge Thomas A. Placey	:	
Court of Common Pleas	:	2 JD 2020
9 th Judicial District	:	
Cumberland County	:	

TO: THOMAS A. PLACEY

You are hereby notified that the Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, § 17(b) and § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, and Code of Judicial Conduct. The Board’s counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Amended Board Complaint in accordance with C.J.D.R.P. No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this Amended Complaint in accordance with C.J.D.R.P. No. 411.

You are further hereby notified that within thirty (30) days after the service of this Amended Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or part of the omnibus motion,

you may file an Answer admitting or denying the allegations contained in this Amended Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.

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AMENDED BOARD COMPLAINT

AND NOW, this 27th day of October, 2020, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Amended Board Complaint against the Honorable Thomas A. Placey, Judge of the Court of Common Pleas of the Ninth Judicial District, Cumberland County, Pennsylvania, alleging that Judge Placey has violated the Code of Judicial Conduct and the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

FACTUAL ALLEGATIONS

1. On June 9, 2020, the Board filed formal charges against Respondent at *In re Placey*, 2 JD 2020.
2. The Board Complainant against Judge Placey filed to 2 JD 2020 on June 9, 2020, is hereby incorporated by reference.
3. On October 21, 2020, the Board filed a Motion to Amend Board Complaint.
4. By order dated October 23, 2020, this Honorable Court granted the Board's Motion to Amend Board Complaint.
5. On June 6, 2019, Judge Placey presided over a hearing on a Petition for Protection from Abuse (PFA) in the matter of *Kimmett v. Kimmett*, Cumberland County Docket No. 2019-04775.

6. During the proceeding, as Mr. Kimmett was testifying on direct examination, his attorney, Lawrence J. Rosen, attempted to approach the witness stand in order to show Mr. Kimmett a document.
7. As Attorney Rosen approached the witness stand, Judge Placey addressed him, saying "Don't walk towards this witness. You will be out of the courtroom in a heartbeat."
8. Attorney Rosen, who is hearing impaired, replied, "I'm sorry, Your Honor?"
9. Before responding to Attorney Rosen's question, Judge Placey quickly stood up, taking a position close to Mr. Rosen.
10. While Judge Placey remained standing, the following exchange between the Judge and Attorney Rosen took place:

Judge: Do not walk towards the witness.

Attorney: Oh, I'm sorry.

Judge: You will be out of this courtroom in a heartbeat. Can you hear me now?

Attorney: I can.

Judge: Did you see Mr. Edger approach the witness?

Attorney: No.

Judge: Why do you think he doesn't do it?

Attorney: I want to give him an exhibit, Your Honor.

Judge: You can't.

Attorney: I cannot?

Judge: How did Mr. Edger do it?

Attorney: I don't recall.

Judge: Were you not here? Were you not paying attention?

Attorney: I was here Your Honor. I didn't mean to offend you.

Judge: You have.

11. An audio recording of the proceeding established that at times during the exchange described above, the volume of Judge Placey's voice was excessively loud and his tone was angry.
12. Immediately after the exchange, Judge Placey left the courtroom.
13. Approximately four minutes later, Judge Placey returned to the courtroom and the hearing proceeded.

Count 19 – Violation of Canon 2, Rule 2.8

14. By virtue of some or all of the conduct alleged in paragraphs 5 through 13, Judge Placey violated Canon 2, Rule 2.8(B) of the Code of Judicial Conduct.
15. Canon 2, Rule 2.8(B) states the following:

Canon 2, Rule 2.8. Decorum, Demeanor, and Communication with Jurors.

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

16. Judge Placey failed to conduct himself in a patient, dignified, and courteous manner when, on June 6, 2019, in the matter of *Kimmett v. Kimmett*, he used an extremely loud volume and angry tone when speaking to Attorney Rosen. By engaging in the conduct described in paragraphs 5 through 13, Judge Placey failed to be patient, dignified, and courteous within the meaning of Canon 2, Rule 2.8(B) of the Code of Judicial Conduct.

**Count 20 –Violation of Article V, § 17(b) of the
Constitution of the Commonwealth of Pennsylvania**

17. By virtue of some or all of the conduct set forth above, Judge Placey violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.
18. Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania states the following:

Article V, § 17(b) Derivative Violation

Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court.

19. A violation of the Code of Judicial Conduct constitutes an automatic, derivative violation of Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.


WHEREFORE, Thomas A. Placey, Judge of the Court of Common Pleas of Cumberland County, Pennsylvania, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

RICHARD W. LONG
Chief Counsel

DATE: October 27, 2020

By:


MELISSA L. NORTON
Deputy Counsel
Pa. Supreme Court ID No. 46684

Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
Harrisburg, PA 17106
(717) 234-7911

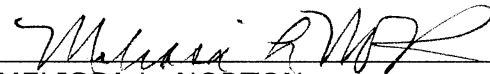
VERIFICATION

I, Melissa L, Norton, Deputy Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the *AMENDED BOARD COMPLAINT*. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

RICHARD W. LONG
Chief Counsel

Date: October 27, 2020

By: 
MELISSA L. NORTON
Deputy Counsel
Pa. Supreme Court ID No. 46684
Judicial Conduct Board
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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature:



Name:

MELISSA L. NORTON
Deputy Counsel

Attorney No.:

46684

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PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on October 27, 2020, a copy of the Amended Board Complaint was sent via first class mail to Heidi Eakin, Esquire, counsel for Judge Placey, at the following address and via email:

Heidi Eakin, Esquire
831 Market Street
Lemoyne, PA 17043
heidieakin@gmail.com

Respectfully submitted,

DATE: October 27, 2020

By: 
MELISSA L. NORTON
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