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COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE:

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

RESPONDENT'S ANSWER TO FORMAL COMPLAINT

AND NOW, this 9th day of July, 2020, comes the Respondent, the Honorable Thomas A Placey, Judge of the Court of Common Pleas of the Ninth Judicial District, Cumberland County, by his Attorney, Heidi F. Eakin, and respectfully files his answer to the allegations contained in the Complaint filed June 9, 2020 in accordance with C.J.D.R.P. No. 413.

FACTUAL ALLEGATIONS

1. Admitted.
2. Admitted.
3. Admitted in part, insofar as, pursuant to Article V, 18 (a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board has the authority to file formal charges against Judge Placey in this Court if probable cause is found.

Samento v. Samento

4. Admitted.
5. Admitted.
6. Admitted. The transcript is accurately quoted.
7. Admitted with clarification. The allegations within the body of the complaint are

generally admitted. The subjective characterization is an understandable inference when reviewing the cited portions of the transcripts, audio recordings, and various witness statements.

By way of further clarification, Judge Placey recognized a change in his impulsive behavioral control beginning in late 2018 and early 2019, well before the Judicial Conduct Board's investigation began. In August 2017, Judge Placey received notices from the NCAA of the potential for chronic traumatic encephalopathy (CTE), believed to be linked to concussions he had suffered during his academic career related to collegiate sports. He shared this information with his primary care physician and discussed his concern. As of 2020, he is an enrolled member of the NCAA Concussion Management Medical Monitoring Program that is being established as part of the NCAA settlement.

(See www.collegeathleteconcussionsettlement.com).

As a direct result of the perceived temperament changes, Judge Placey sought professional assistance from "Judges Concerning for Judges" in April 2019. This continuous commitment to treatment and improvement aids him in reducing frustration and containing emotional reactions. This course of treatment has allowed him to develop the additional skills necessary to de-escalate internally, without litigants' knowledge, otherwise frustrating courtroom situations.

8. Admitted with clarification. See #7.
9. Admitted with clarification. While Judge Placey was leaving the transcribed exchange took place. See #7.
10. Admitted with clarification. See #7. The audio recording is the best evidence of this allegation.
11. Admitted.

12. Admitted there was no further testimony taken on October 5, 2017.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

Commonwealth v. Moore

22. Admitted.

23. Admitted.

24. Admitted generally. Judge Placey has no independent recollection of who was present in the courtroom , but acknowledges lawyers, litigants and members of the public were present.

25. Admitted.

26. Admitted.

27. Admitted. This is an accurate representation of the transcript.

28. Admitted with clarification. See #7.

29. Admitted.

30. Admitted with clarification. See #7.

31. Admitted with clarification. See #7.

32. Admitted. The newspaper article is correctly cited.

Gnazzo v. Gnazzo

33. Admitted.

34. Admitted.

35. Admitted with clarification. See #7.

36. Judge Placey has no independent recollection of this incident and can neither admit or deny the allegation. See #7.

37. Admitted.

38. Admitted insofar as no further questions were asked during this proceeding.

Wingard v. Wingard

39. Admitted.

40. Admitted with clarification. See #7.

41. Admitted.

42. Admitted with clarification. See #7.

43. Admitted. This is an accurate record of the transcript.

Interaction with Attorney

44. Respondent can neither personally admit or deny this specific allegation. The discovery provided in this case supports this averment.

45. Judge Placey can neither admit nor deny this specific allegation as he was not present during the averred conversation.

46. See #45.

47. See #45.

48. See #45.

49. See #45.
50. Admitted.
51. Admitted.
52. Admitted.
53. Admitted.
54. Admitted.
55. Admitted with clarification. See #7.
56. See #44.

CHARGES

Count 1 - Violation of Canon 2, Rule 2.6

57. No answer required. This is a legal conclusion.
58. This is a correct statement of the law.
59. No answer required. This is a legal conclusion.

Counts 2 through 6 - Violation of Canon 2, Rule 2.8

60. No answer required. This is a legal conclusion.
61. This is a correct statement of the law.
62. No answer required. See #7. This is a legal conclusion.
63. No answer required. See #7. This is a legal conclusion.
64. No answer required. See #7. This is a legal conclusion.
65. No answer required. See #7. This is a legal conclusion.
66. No answer required. See #7. This is a legal conclusion.

Count 7 - Violation of Canon 2, Rule 2.11

67. No answer required. This is a legal conclusion.

68. This is a correct statement of the law.

69. No answer required. See #7. This is a legal conclusion.

Counts 8 through 14 - Violation of Article V 17 (b) of the Constitution
of the Commonwealth of Pennsylvania

70. No answer required. See #7. This is a legal conclusion.

71. This is a correct statement of the law.

72. Admitted.

73. No answer required. See #7. This is a legal conclusion.

74. No answer required. See #7. This is a legal conclusion.

75. No answer required. See #7. This is a legal conclusion.

76. No answer required. See #7. This is a legal conclusion.

Count 15 through 18 - Violation of Article V, 18(d)(1) of the
Constitution of the Commonwealth of Pennsylvania

77. No answer required. See #7. This is a legal conclusion.

78. This is a correct statement of the law.

79. No answer required. See #7. This is a legal conclusion.

80. No answer required. See #7. This is a legal conclusion.

81. No answer required. See #7. This is a legal conclusion.

82. No answer required. See #7. This is a legal conclusion.

Respectfully submitted,

By: _____

Heidi F. Eakin, Esquire
Costopoulos, Foster & Fields
831 Market Street
Lemoyne, PA 17043
(717) 761-2121
Fax: 717-761-4031
Cell: 717-602-0581
Supreme Court ID 43893
Heakin@costopoulos.com
Attorney for Respondent

Hon. Thomas A. Placey

July 9, 2020

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 require filing confidential information and documents differently than non-confidential information and documents.

By: _____

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Costopoulos, Foster & Fields
831 Market Street
Lemoyne, PA 17043
(717) 761-2121
Fax: 717-761-4031
Cell: 717-602-0581
Supreme Court ID 43893
Heakin@costopoulos.com

July 8, 2020

VERIFICATION

I, Heidi F. Eakin, Esquire, verify that the answers to the Complaint filed by the Judicial Conduct Board contained herein, are true and correct. 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,

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Heidi F. Eakin, Esquire
Costopoulos, Foster & Fields
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Cumberland County :

PROOF OF SERVICE

In COMPLIANCE WITH Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on July 8, 2020, this answer was filed via First class US mail and via email to the following:

Melissa L. Norton, Deputy Counsel
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
PO Box 62525
Harrisburg, PA 17106
Melissa.Nortone@jcbpa.org

Joseph Metz Esquire
Court of Judicial Discipline
Pennsylvania Judicial Center
601 Commonwealth Avenue
Harrisburg, PA 17106
Joseph.metz@pacourts.us

By: _____

Heidi F. Eakin, Esquire
Costopoulos, Foster & Fields
831 Market Street
Lemoyne, PA 17043
(717) 761-2121
Fax: 717-761-4031
Cell: 717-602-0581
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