



Judicial Conduct Board
Commonwealth of Pennsylvania
Richard W. Long, Chief Counsel
717-234-7911

Press Release

May 18, 2020

FROM: Richard W. Long
Chief Counsel

SUBJECT: Judge Farley Toothman
Court of Common Pleas
Thirteenth Judicial District
Greene County
1 JD 2020

Harrisburg. On May 14, 2020, the Judicial Conduct Board filed formal charges in the Court of Judicial Discipline against Greene County Court of Common Pleas Judge Farley Toothman. The Board Complaint alleges violations of the Code of Judicial Conduct and the Constitution of the Commonwealth of Pennsylvania.

Under the Pennsylvania Constitution, Judge Toothman, as the subject of the charges, is presumed innocent in all proceedings before the Court of Judicial Discipline. The Board has the burden of proving the charges filed in the Court of Judicial Discipline by clear and convincing evidence.

In accordance with the rules which govern proceedings before the Court of Judicial Discipline, Judge Toothman has the right to respond to the charges, to obtain and inspect the evidence which forms the basis of the allegations, and to a public trial before the Court of Judicial Discipline.

Upon completion of the trial, if the Court determines that any of the charges have been proven by clear and convincing evidence, it will schedule a hearing to determine what sanction, if any, should be imposed. Possible sanctions include censure, suspension, fine or removal from office.

Please visit the Board's website at www.jcbpa.org (select the Resource Tab then select Press Releases in the drop down menu) to view the Board Complaint.

Court filings for all cases prosecuted by the Board are available on the Court of Judicial Discipline website at <http://www.pacourts.us/courts/court-of-judicial-discipline>.

Counsel:

Board: Melissa L. Norton, Deputy Counsel

Judge: To be determined

Contact: Richard W. Long, Chief Counsel

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

President Judge Farley Toothman	:	
Court of Common Pleas	:	1 JD 2020
13 th Judicial District	:	
Greene County	:	

TO: FARLEY TOOTHMAN

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 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 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 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 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.

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

President Judge Farley Toothman	:	
Court of Common Pleas	:	1 JD 2020
13 th Judicial District	:	
Greene County	:	

COMPLAINT

AND NOW, this _____ day of May, 2020, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Board Complaint against the Honorable Farley Toothman, President Judge of the Court of Common Pleas of the Thirteenth Judicial District, Greene County, Pennsylvania, alleging that Judge Toothman has violated the Code of Judicial Conduct and the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

FACTUAL ALLEGATIONS

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.
2. From July 10, 2009, to the present, Judge Toothman has served continuously as a Judge of the Court of Common Pleas of Greene County.
3. Pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there is probable cause to file formal charges against Judge Toothman in this Court.

Christy McCarty matter

4. At all times relevant to this complaint, Aleksandra Chamberlain was employed as Judge Toothman's judicial law clerk.
5. At approximately 4 p.m. on September 6, 2017, Ms. Chamberlain was shopping in a Sunoco station convenience store in Waynesburg, Greene County, located in close proximity to the Greene County Courthouse (Courthouse).
6. Moments after Ms. Chamberlain exited the store another customer from the store, Christy McCarty, called out to her asking her about her activity in the store.
7. Ms. Chamberlain returned to the store and asked the store clerks about Ms. McCarty's question which she believed was an accusation of retail theft.
8. Both store clerks explained that they were not accusing Ms. Chamberlain of stealing anything; however, they were suspicious of her behavior in the store and intended to notify the owner of the store about it so he could check the surveillance footage.
9. Ms. Chamberlain returned to the Courthouse and told Judge Toothman about the incident.
10. Shortly thereafter, Judge Toothman, his son George, and Ms. Chamberlain appeared at the Sunoco convenience store.
11. Judge Toothman spoke to the two store clerks, asking them if they believed Ms. Chamberlain had committed retail theft during her earlier visit to the store.
12. The store clerks asked Judge Toothman, his son, and Ms. Chamberlain to leave the store because they felt harassed.

13. Judge Toothman, his son, and Ms. Chamberlain left the store, at which time Judge Toothman called the police.
14. The police responded to the scene and investigated the matter.
15. During their investigation on September 6, 2017, the police learned of Ms. McCarty's involvement and provided Judge Toothman with her identity.
16. After speaking with the police, Judge Toothman returned to the courthouse.
17. No charges were filed as a result of the investigation.
18. Immediately after returning to the courthouse, at approximately 4:30 p.m., Judge Toothman directed a court employee to obtain a copy of Ms. McCarty's secure court summary and all files involving Ms. McCarty.
19. At approximately 8:40 a.m. on September 7, 2017, Judge Toothman interrupted a staff meeting in the Greene County Probation Office asking, "Who has Christy McCarty?"
20. An individual from the county probation office present in the meeting referenced in the preceding paragraph informed Judge Toothman that Ms. McCarty was not on probation, but was doing community service in connection with a magisterial district court case.
21. Judge Toothman immediately instructed the probation officer in charge of community service to have Ms. McCarty report to his courtroom that day rather than the site of her community service.
22. At approximately 9:30 a.m. on September 7, 2017, Ms. McCarty reported to Judge Toothman's courtroom as directed.
23. Neither Ms. McCarty nor the Commonwealth were represented by an attorney at the September 7, 2017 proceeding.

24. No petitions, motions or other pleadings were filed relevant to the September 7, 2017 proceeding.
25. Ms. McCarty was given no notice prior to the hearing of the nature of the proceeding.
26. No witnesses were called and no evidence was entered into the record during the September 7, 2017 proceeding.
27. During the September 7, 2017 proceeding, Judge Toothman recited Ms. McCarty's criminal history.
28. During the September 7, 2017 proceeding, without apprising her of her Constitutional rights, Judge Toothman asked Ms. McCarty if she had anything to say about a criminal case then pending against her.
29. During the September 7, 2017 proceeding, when Ms. McCarty asked Judge Toothman, "What is the matter I'm here for, the Sunoco incident yesterday?" he told her that she was in court for "violating the order of 72 of 2010" referring to *Commonwealth of Pennsylvania v. Christy L. McCarty*, CP 30-MD-72-2010.
30. During the September 7, 2017 proceeding, Judge Toothman told Ms. McCarty:

We've come to understand that you're under supervision in several cases at the magistrate's level, but we also have come to understand that you're in violation of a payment plan that you agreed to make with regard to the costs, fines and fees assessed in this matter, and you made a payment plan, agreed to make \$10 a month payment and you haven't been doing that, and your last payment was last year.

31. During the September 7, 2017 proceeding, Judge Toothman made no effort to determine if Ms. McCarty had the present ability to meet her obligation under the "order of 72 of 2010."
32. At the conclusion of the proceeding, Judge Toothman found Ms. McCarty in civil contempt and sentenced her to incarceration in the Greene County Prison until October 2, 2017.
33. Ms. McCarty remained incarcerated until October 2, 2017 on the civil contempt sentence.
34. On October 2, 2017, Ms. McCarty was transported from the Greene County prison for an unnamed proceeding before Judge Toothman.
35. Neither Ms. McCarty nor the Commonwealth were represented by an attorney at the October 2, 2017 proceeding.
36. During the proceeding on October 2, 2017, Judge Toothman asked Ms. McCarty if she was "going to be a good girl."
37. During the proceeding on October 2, 2017, Judge Toothman asked Ms. McCarty if she thought he should "order [her] to stay away from the Sunoco."
38. At the conclusion of the proceeding on October 2, 2017, Judge Toothman found Ms. McCarty "to be in compliance" and released her from prison.
39. Between September 7, 2017 and October 2, 2017, no payments were made in the matter of *Commonwealth of Pennsylvania v. Christy L. McCarty*, CP 30-MD-72-2010.

Waynette Pellegrini matter

40. At all times relevant to this complaint, Waynette Pellegrini was employed by Greene County as a custodian.

41. Ms. Pellegrini's employment position in Greene County was a unionized position.
42. During 2017, Judge Toothman sought to have Ms. Pellegrini and other county employees sign a confidentiality statement.
43. Ms. Pellegrini refused to sign the confidentiality statement.
44. On January 24, 2018, Ms. Pellegrini filed a grievance through her labor union alleging that union work was being done in Judge Toothman's chambers by non-union employees in violation of a union contract.
45. On January 28, 2018, Judge Toothman posted a bright orange copy of Ms. Pellegrini's grievance on a public bulletin board in the courthouse.
46. Judge Toothman made no effort to redact or conceal Ms. Pellegrini's name or personal telephone number from the copy of the grievance which he posted on a public bulletin board in the courthouse.
47. On January 29, 2018, the bright orange copy of Ms. Pellegrini's grievance was removed from the public bulletin board.
48. Subsequent to the posting of Ms. Pellegrini's grievance, a meeting was held with an attorney employed by the Greene County Commissioners, two Greene County Commissioners, the Greene County Human Resources Director and Judge Toothman to discuss Judge Toothman's posting of the grievance.
49. At the meeting referenced in the preceding paragraph, Judge Toothman was told that his act of posting the grievance on a public bulletin board may constitute retaliation.
50. When told that his act may have constituted retaliation, Judge Toothman exclaimed, "You think I'm going to retaliate? You're damned right I'm going

to retaliate!”

Kiger v. Depetris matter

51. On June 7, 2017, Judge Toothman presided over a hearing in the matter of *Joseph Kiger v. Amber Depetris*, 18 A.D. of 2017.
52. Both parties were represented by counsel at the hearing on June 7, 2017.
53. At the time of the hearing, the plaintiff-husband was in possession of two vehicles, while the defendant-wife had no vehicle.
54. During the June 7, 2017 hearing, Judge Toothman told the plaintiff and his attorney, “I’m here about the spitefulness of taking two vehicles in that situation, and I can’t believe that you want to argue about it.”
55. When plaintiff’s counsel stated that her client was not being spiteful, Judge Toothman responded, “. . . when I have a mother of four crying in the Courtroom because a spiteful former concubine took off with all the vehicles and his money, I don’t get it really.”
56. When plaintiff’s counsel pointed out that the vehicles were not both marital property, Judge Toothman responded, “I don’t care about all the legal title and equitable interest and all of those moons, I just simply wanted to get the mommy a car that I thought was parked in a driveway while [the plaintiff] was earning \$120,000 a year.”
57. When, later in the proceeding, defendant’s counsel addressed plaintiff’s counsel stating, “If it was up to your client, she’d either be riding a bike around town or she’d be feeding a horse right now”, Judge Toothman concurred with defendant’s counsel stating, “I’m afraid that’s true, isn’t it? What’s - - is this what we have resigned to - - ”

58. Later in the June 7, 2017 proceeding, Judge Toothman criticized the legal skills of plaintiff's counsel stating, "I don't think that's effective advocacy here."
59. During the course of the proceeding, Judge Toothman failed to maintain order and decorum, allowing the attorneys to interrupt each other and the Court.

Webster v. Frank matter

60. On April 2, 2018, while presiding over a hearing on a Petition for Protection from Abuse (PFA) in the matter of *Webster v. Frank*, F.A. No. 15 of 2018, Judge Toothman closed the hearing to everyone but the participants.
61. The defendant's attorney questioned why the Judge was closing the hearing to the public stating, "Courts are open."
62. When the defendant's attorney asked Judge Toothman for the statute under which he was closing the proceeding, the following exchange took place:

Judge: Well, mine right now. Appeal it, they are private matters given the confidentiality of the filing and we treat them that way, they are civil matters and they are confidential.

Defendant's Atty: It's not like a CYS case or juvenile case that certain circumstances are closed to the public by statute. I never saw it, but if there is one, I'll look it up.

Judge: You want to be a judge, run for it, [defendant's attorney]. Continue.

63. When queried during the course of the Board's investigation about closing the PFA hearing, Judge Toothman responded, "If this is wrong, please let me

know.”

64. By way of further response to the Board’s query, Judge Toothman provided the following two inapplicable, non-statutory sources to support the act of closing the PFA hearing:
- a. The Pennsylvania Coalition Against Domestic Violence bench card; and
 - b. The Unified Judicial System Public Access Policy.

Modification of Local Court Rules

65. Greene County had a Local Court Rule, Gr.Co.R. 1920.51, which required the payment of an additional \$50 upon the filing of a divorce complaint.
66. Pursuant to Gr.Co.R. 1920.51, the additional \$50 (funds) were to be used for the payment of court stenographer fees for hearings before a master.
67. The rule provided that the master was “responsible for seeking an Order from the Court for payment to the Court Stenographer.”
68. On February 23, 2015, Judge Toothman issued an Administrative Order modifying Gr.Co.R. 1920.51 by specifying that funds collected pursuant to the Rule were to be held in a bank account at PNC Bank.
69. Judge Toothman did not comply with Rule 103 of the Pennsylvania Rules of Judicial Administration (Pa.R.J.A.) when, on February 23, 2015, he modified Gr.Co.R. 1920.51.
70. On February 10, 2016, Judge Toothman issued an Administrative Order modifying his February 23, 2015 Administrative Order pertaining to Gr.Co.R. 1920.51 by ordering that funds collected pursuant to the Rule were to be held in a bank account at First Federal Savings and Loan.
71. Judge Toothman did not comply with Pa.R.J.A. 103 when, on February 10,

2016, he modified his February 23, 2015 modification to Gr.Co.R. 1920.51.

72. On January 24, 2018, in the matter of *James Lewellen v. Rhonda Lewellen*, No. 711 A.D. 2014, Judge Toothman orally modified Gr.Co.R. 1920.51 by ordering that funds collected pursuant to the Rule were only to be used in cases where the master could establish that the parties did not have sufficient means to pay the stenographer out of their own pockets.

73. Judge Toothman did not comply with Pa.R.J.A. 103 when, on January 24, 2018, he orally modified Gr.Co.R. 1920.51.

CHARGES

Count 1 through 5 – Violation of Canon 1, Rule 1.1

74. By virtue of some or all of the conduct alleged in paragraphs 4 through 73, Judge Toothman violated Canon 1, Rule 1.1 of the Code of Judicial Conduct.

75. Canon 1, Rule 1.1 states the following:

Canon 1, Rule 1.1. Compliance with the Law.

A judge shall comply with the law, including the Code of Judicial Conduct.

76. Judge Toothman failed to comply with the law when he failed to avoid the appearance of impropriety in relation to his treatment of Ms. McCarty, conducted an investigation pertaining to Ms. McCarty, failed to treat Ms. McCarty fairly and impartially during the September 7, 2017 and October 2, 2017 proceedings, denied Ms. McCarty her Constitutional Rights in relation to the September 7, 2017 proceeding, and incarcerated Ms. McCarty without determining her ability to pay her fines. By engaging in the conduct described in paragraphs 4 through 39, Judge Toothman failed to comply with the law within the meaning of Canon 1, Rule 1.1 of the Code of Judicial Conduct.

77. Judge Toothman failed to comply with the law when he failed to avoid the appearance of impropriety and failed to treat Ms. Pelligrini with patience, dignity and respect in relation to his posting of Ms. Pelligrini's union grievance in a public place. By engaging in the conduct described in paragraphs 40 through 50, Judge Toothman failed to comply with the law within the meaning of Canon 1, Rule 1.1 of the Code of Judicial Conduct.
78. Judge Toothman failed to comply with the law when he failed to treat both parties fairly and impartially, failed to require order and decorum, and failed to be patient, dignified and courteous to the litigants and their attorneys during the June 7, 2017 proceeding in the matter of *Kiger v. Depetris*. By engaging in the conduct described in paragraphs 51 through 59, Judge Toothman failed to comply with the law within the meaning of Canon 1, Rule 1.1 of the Code of Judicial Conduct.
79. Judge Toothman failed to comply with the law when he failed to perform his judicial duties competently during the April 2, 2018 proceeding in the matter of *Webster v. Frank*. By engaging in the conduct described in paragraphs 60 through 64, Judge Toothman failed to comply with the law within the meaning of Canon 1, Rule 1.1 of the Code of Judicial Conduct.
80. Judge Toothman failed to comply with the law when he failed to perform his administrative duties competently by modifying a local rule of court multiple times without regarding to the requirements of the Pennsylvania Rules of Judicial Administration. By engaging in the conduct described in paragraphs 65 through 73, Judge Toothman failed to comply with the law within the meaning of Canon 1, Rule 1.1 of the Code of Judicial Conduct.

Count 6 and 7 – Violation of Canon 1, Rule 1.2

81. By virtue of some or all of the conduct alleged in paragraphs 4 through 50, Judge Toothman violated Canon 1, Rule 1.2 of the Code of Judicial Conduct.

82. Canon 1, Rule 1.2 states the following:

Canon 1, Rule 1.2. Promoting Confidence in the Judiciary.

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

83. Judge Toothman failed to promote confidence in the judiciary and failed to avoid the appearance of impropriety in relation to his treatment of Ms. McCarty during the September 7 and October 2, 2017 proceedings. By engaging in the conduct described in paragraphs 4 through 39, Judge Toothman failed to promote confidence in the judiciary within the meaning of Canon 1, Rule 1.2 of the Code of Judicial Conduct.

84. Judge Toothman failed to promote confidence in the judiciary and failed to avoid the appearance of impropriety in relation to his treatment of Ms. Pellegrini as described above. By engaging in the conduct described in paragraphs 40 through 50, Judge Toothman failed to promote confidence in the judiciary within the meaning of Canon 1, Rule 1.2 of the Code of Judicial Conduct.

Count 8 and 9 - Violation of Canon 2, Rule 2.2

85. By virtue of some or all of the conduct alleged in paragraphs 4 through 39 and 51 through 59, Judge Toothman violated Canon 2, Rule 2.2 of the Code of Judicial Conduct.

86. Canon 2, Rule 2.2 states the following:

Canon 2, Rule 2.2. Impartiality and Fairness.

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

87. Judge Toothman failed to perform his judicial duties fairly and impartially in relation to his treatment of Ms. McCarty prior to, and during the September 7, 2017 proceeding and during the October 2, 2017 proceeding. By engaging in the conduct described in paragraphs 4 through 39, Judge Toothman failed to perform his duties fairly and impartially within the meaning of Canon 2, Rule 2.2 of the Code of Judicial Conduct.

88. Judge Toothman failed to perform his judicial duties fairly and impartially in relation to his treatment of the plaintiff and his counsel during the June 7, 2017 proceeding in the matter of *Kiger v. Depetris* matter. By engaging in the conduct described in paragraphs 51-59, Judge Toothman failed to perform his duties fairly and impartially within the meaning of Canon 2, Rule 2.2 of the Code of Judicial Conduct.

Count 10 and 11 - Violation of Canon 2, Rule 2.5(A)

89. By virtue of some or all of the conduct alleged in paragraphs 60 through 73, Judge Toothman violated Canon 2, Rule 2.5(A) of the Code of Judicial Conduct.

90. Canon 2, Rule 2.5(A) states the following:

Canon 2, Rule 2.5. Competence, Diligence and Cooperation.

(A) A judge shall perform judicial and administrative duties competently and diligently.

91. Judge Toothman failed to perform his judicial duties competently in relation to his decision to close his courtroom during the April 2, 2018 proceeding in the

matter of *Webster v. Frank*. By engaging in the conduct described in paragraphs 60 through 64, Judge Toothman failed to perform his judicial duties competently within the meaning of Canon 2, Rule 2.5(A) of the Code of Judicial Conduct.

92. Judge Toothman failed to perform his administrative duties competently by modifying a local rule of court multiple times without regard to the requirements of the Pennsylvania Rules of Judicial Administration. By engaging in the conduct described in paragraphs 65 through 73, Judge Toothman failed to perform his judicial duties competently within the meaning of Canon 2, Rule 2.5(A) of the Code of Judicial Conduct.

Count 12 - Violation of Canon 2, Rule 2.8(A)

93. By virtue of some or all of the conduct alleged in paragraphs 51 through 59, Judge Toothman violated Canon 2, Rule 2.8(A) of the Code of Judicial Conduct.

94. Canon 2, Rule 2.8(A) states the following:

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

(A) A judge shall require order and decorum in proceedings before the court.

95. Judge Toothman failed to require order and decorum during the June 7, 2017 proceeding in the matter of *Kiger v. Depetris*. By engaging in the conduct described in paragraphs 51 through 59, Judge Toothman failed to require order and decorum within the meaning of Canon 2, Rule 2.8(A) of the Code of Judicial Conduct.

Count 13 and 14 - Violation of Canon 2, Rule 2.8(B)

96. By virtue of some or all of the conduct alleged in paragraphs 40 through 59, Judge Toothman violated Canon 2, Rule 2.8(B) of the Code of Judicial Conduct.
97. 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.

98. Judge Toothman failed to deal with Ms. Pelligrini in a patient, dignified, and courteous manner when he posted her union grievance on a public bulletin board. By engaging in the conduct described in paragraphs 40 through 50, Judge Toothman failed to be patient, dignified, and courteous within the meaning of Canon 2, Rule 2.8(B) of the Code of Judicial Conduct.
99. Judge Toothman failed to deal with the plaintiff and his counsel in a patient, dignified, and courteous manner during the June 7, 2017 proceeding in the matter of *Kiger v. Depetris*. By engaging in the conduct described in paragraphs 51 through 59, Judge Toothman failed to be patient, dignified, and courteous within the meaning of Canon 2, Rule 2.8(B) of the Code of Judicial Conduct.

Count 15- Violation of Canon 2, Rule 2.9(C)

100. By virtue of some or all of the conduct alleged in paragraphs 4 through 39, Judge Toothman violated Canon 2, Rule 2.9(C) of the Code of Judicial Conduct.

101. Canon 2, Rule 2.9(C) states the following:

Canon 2, Rule 2.9. Ex Parte Communications.

(C) A judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

102. On September 6 and 7, 2017, Judge Toothman investigated facts related to the Christy McCarty matter and during the September 7, 2017 proceeding, he considered evidence not properly presented to the court. By engaging in the conduct described in paragraphs 4 through 39, Judge Toothman engaged in ex parte communications within the meaning of Canon 2, Rule 2.9(C) of the Code of Judicial Conduct.

Count 16 through 20 – Violation of Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania

103. By virtue of some or all of the conduct set forth above, Judge Toothman violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

104. 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.

105. 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.

106. Judge Toothman violated Canon 1, Rule 1.1 (5 counts).

- 107. Judge Toothman violated Canon 1, Rule 1.2 (2 counts).
- 108. Judge Toothman violated Canon 2, Rule 2.2 (2 counts).
- 109. Judge Toothman violated Canon 2, Rule 2.5(A) (2 counts).
- 110. Judge Toothman violated Canon 2, Rule 2.8(A) (1 count).
- 111. Judge Toothman violated Canon 2, Rule 2.8(B) (2 counts).
- 112. Judge Toothman violated Canon 2, Rule 2.9(C) (1 count).
- 113. By violation of all, or some, of the Rules set forth above, Judge Toothman violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

Count 21 - Violation of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania

114. By virtue of some or all of the conduct alleged in paragraphs 4 through 39, Judge Toothman violated Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

115. Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania states the following:

Article V, § 18(d)(1) Disrepute

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which . . . brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity[.]

116. By his conduct on September 6 and 7 and October 2, 2017, pertaining to Christy McCarty, Judge Toothman engaged in conduct beyond the reasonable expectations of the public as to the behavior of judicial officers, conduct that was so extreme that it brings the judicial office itself into disrepute.


117. As described in paragraphs 4 through 39, Judge Toothman engaged in conduct so extreme that it brought the judiciary as a whole into disrepute within the meaning of the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

WHEREFORE, Farley Toothman, Judge of the Court of Common Pleas of Greene 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: May 14, 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

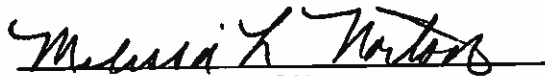
I, Melissa L, Norton, Deputy Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the *BOARD COMPLAINT*. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating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

Respectfully submitted,

Richard W. Long
Chief Counsel

Date: May 14, 2020

By:



MELISSA L. NORTON
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**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

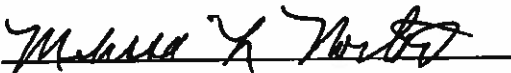
IN RE:

President Judge Farley Toothman :
Court of Common Pleas : 1 JD 2020
13th Judicial District :
Greene County :

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