

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to
:
PAUL W. ADAMS,
:
A Justice of the Town Court of Phelps,
Ontario County.
:
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COMMISSION
PER CURIAM
DETERMINATION

- PRESENT: Mrs. Gene Robb, Chairwoman
David Bromberg
Hon. Richard J. Cardamone
Dolores DelBello
Hon. Herbert B. Evans
Michael M. Kirsch
Victor A. Kovner
William V. Maggipinto
Hon. Felice K. Shea
Hon. Morton B. Silberman - Not Present
Carroll L. Wainwright, Jr. - Not Present

The respondent, Paul W. Adams, a Justice of the Phelps Town Court, Ontario County, was served with a Formal Written Complaint dated June 20, 1978, alleging two charges of misconduct. In his verified Answer dated July 14, 1978, respondent admitted the allegations of the complaint, but asserted, in mitigation of his acts, that he was unaware that such conduct violated the Rules Governing Judicial Conduct of the Administrative Board of the Judicial Conference, the Code of Judicial Conduct, and the Judiciary Law.

The Administrator of the Commission on Judicial Conduct moved for judgment on the pleadings on August 7, 1978. Since

there was no genuine issue of material fact raised, a hearing on the issue of misconduct was unnecessary. The Commission, therefore, granted judgment on the pleadings on September 14, 1978. Respondent thereafter appeared before the Commission on October 19, 1978, for a hearing on the issue of a sanction.

Upon the record before us the Commission finds that between January 1977 and June 1977 respondent failed to disqualify himself in six cases in which the respondent's brother, either as plaintiff or as an officer of his own company, appeared in respondent's court, and that by reason of such acts, respondent violated the applicable Rules Governing Judicial Conduct, the Code of Judicial Conduct and the Judiciary Law as cited in Charge I of the Formal Written Complaint.

The Commission also finds that on May 4, 1977, respondent, in connection with a dispute between Neil Bailey and Phelps Farm Service, Inc., sent a written communication to Mr. Bailey, stating that unless Mr. Bailey paid an amount due to Phelps Farm Service, Inc., further court action would be taken. We conclude that respondent used his judicial office to advance the interests of Phelps Farm Service, Inc., at a time when he had no jurisdiction over the dispute. By reason of this action, respondent violated the applicable Rules Governing Judicial Conduct and the Code of Judicial Conduct.

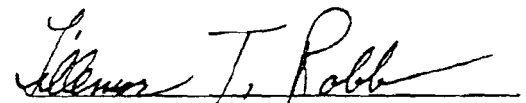
In determining the sanction to be imposed upon respondent, the Commission has considered the nature of the charges

made and found against respondent, memoranda of law, and the oral arguments of the Administrator of the Commission, respondent's counsel and respondent. Respondent's actions were clearly improper and his assertion that he was unaware of the applicable standards of judicial conduct is not persuasive. Respondent's conduct violated not only those guidelines that are published, but also "the general moral and ethical standards expected of judicial officers by the community" (Friedman v. State of New York, 24 N.Y.2d 528, 539-540).

Having found that respondent violated the Rules Governing Judicial Conduct (Sections 33.1, 33.2, 33.3[a][1], 33.3[a][4] and 33.3[c][1][iv][a]), the Code of Judicial Conduct (Canons 1, 2, 3A[1], 3A[4] and 3C[1][d][i]) and the Judiciary Law (Section 14) of New York, the Commission determined that the appropriate sanction is removal.

The foregoing constitutes the findings of fact and conclusions of law required by Judiciary Law, Section 44, subdivision 7.

Dated: November 29, 1978



Lillemor T. Robb
Chairwoman
New York State Commission
on Judicial Conduct

APPEARANCES:

Britting & Herriman (By John C. Britting) for Respondent

Gerald Stern (Stanley Bass, Of Counsel) for the Commission