

STATE OF NEW YORK  
STATE COMMISSION ON JUDICIAL CONDUCT

----- X

In the Matter :

-of- : DETERMINATION

JAMES W. COLEMAN, :

A Justice of the Town of :  
Greenfield, Saratoga County.

----- X

STATE COMMISSION ON  
JUDICIAL CONDUCT

Members:

MRS. GENE ROBB, Chairwoman  
DAVID BROMBERG, ESQ.  
DOLORES DEL BELLO  
HON. LOUIS M. GREENBLOTT  
MICHAEL M. KIRSCH, ESQ.  
VICTOR A. KOVNER, ESQ.  
WILLIAM V. MAGGIPINTO, ESQ.  
HON. ANN T. MIKOLL  
CARROLL L. WAINWRIGHT, JR., ESQ.

GERALD STERN, ESQ., Administrator  
State Commission on Judicial Conduct  
801 Second Avenue  
New York, New York 10017

TABLE OF CONTENTS

	<u>Page</u>
PRELIMINARY STATEMENT . . . . .	1
JUSTICE COLEMAN'S REQUEST FOR A FAVORABLE DISPOSITION FOR A DEFENDANT IN A TRAFFIC CASE . . . . .	1
JUSTICE COLEMAN'S GRANTS OF FAVORABLE DISPOSITIONS TO DEFENDANTS IN TRAFFIC CASES . . . . .	2
JUSTICE COLEMAN'S WAIVER OF A SCHEDULED HEARING BEFORE THE COMMISSION . . . . .	4
CONCLUSION . . . . .	4
DETERMINATION . . . . .	5

DETERMINATION OF THE  
STATE COMMISSION ON JUDICIAL CONDUCT  
IN THE MATTER OF GREENFIELD  
TOWN JUSTICE JAMES W. COLEMAN

PRELIMINARY STATEMENT

This Determination of the State Commission on Judicial Conduct (hereinafter the "Commission") is submitted in accordance with Article VI, Section 22k, of the Constitution of the State of New York, and Article 2-A of the Judiciary Law, for transmittal by the Chief Judge of the Court Appeals to the Honorable James W. Coleman.

James W. Coleman is a justice of the Town Court of Greenfield in Saratoga County. He is not an attorney. He first took office in August 1973. His current term of office expires on December 31, 1981.

Pursuant to Section 43, subdivision 2, of the Judiciary Law, the present investigation of Judge Coleman commenced on May 25, 1977. In the course of its investigation, the Commission discovered one instance in which Judge Coleman made an ex parte request of another judge for a favorable disposition for a defendant in a traffic case and nine instances in which Judge Coleman granted favorable dispositions to defendants in traffic cases pursuant to requests from third parties.

JUSTICE COLEMAN'S REQUEST FOR A FAVORABLE  
DISPOSITION FOR A DEFENDANT IN A TRAFFIC CASE

On or about August 22, 1974, Judge Coleman sent a letter,

in which he identifies himself as a judge, to Judge Robert Vines of the Town Court of Moreau on behalf of the defendant, who was charged with speeding, in People v. Charles Sommers, a case then pending before Judge Vines.

JUSTICE COLEMAN'S GRANTS OF FAVORABLE  
DISPOSITIONS TO DEFENDANTS IN TRAFFIC CASES

On or about October 31, 1973, Judge Coleman reduced a charge of speeding to driving with an inadequate muffler in People v. Vincent L. Smero as a result of a communication he received on behalf of the defendant from the Sheriff's Department of Saratoga County.

On or about February 20, 1974, Judge Coleman reduced a charge of speeding to driving with unsafe tires in People v. Robert C. Shaw as a result of a communication he received on behalf of the defendant from the Sheriff's Department of Saratoga County.

On or about January 15, 1975, Judge Coleman reduced a charge of speeding to driving with unsafe tires in People v. Anthony Spinelli as a result of a communication he received on behalf of the defendant from the Sheriff's Department of Saratoga County.

On or about July 2, 1975, Judge Coleman reduced a charge of speeding to driving with unsafe tires in People v. Jeanette A. Bradley as a result of a communication he received on behalf of the defendant.

On or about August 13, 1975, Judge Coleman reduced a charge of speeding to driving with unsafe tires in People v. James L. Daily as a result of a communication he received on behalf of the defendant from Judge George J. Breigle of the Town Court of Sand Lake.

On or about March 24, 1976, Judge Coleman reduced a charge of speeding to driving with unsafe tires in People v. Brenda Lee as a result of a communication he received on behalf of the defendant.

On or about April 14, 1976, Judge Coleman reduced a charge of speeding to parking on the highway in People v. Janice Jeffords as a result of a communication he received on behalf of the defendant from the Sheriff's Department of Saratoga County.

On or about May 5, 1976, Judge Coleman reduced a charge of failure to stop for a stop sign to driving with unsafe tires in People v. Robert E. Plummer as a result of a communication he received on behalf of the defendant from the Sheriff's Department of Saratoga County.

On or about August 24, 1976, Judge Coleman reduced a charge of speeding to driving with unsafe tires in People v. Robert J. Thrasher as a result of a communication he received on behalf of the defendant from Judge George J. Breigle of the Town Court of Sand Lake.

JUSTICE COLEMAN'S WAIVER OF A SCHEDULED  
HEARING BEFORE THE COMMISSION

The Commission sent Judge Coleman a letter dated July 14, 1977, asking him to comment on his grants of favorable dispositions in the Smero, Spinelli, Daily, Lee, Jeffords, Plummer and Thrasher cases. In a letter dated July 20, 1977, Judge Coleman acknowledged granting the dispositions in these cases.

Pursuant to Section 43, subdivision 5, of the Judiciary Law, the Commission determined that cause existed to conduct a hearing with respect to the judge's apparent conduct in the cases noted above and in the Sommers, Shaw and Bradley cases. On November 26, 1977, Judge Coleman was served with a Notice of Hearing and a Formal Written Complaint detailing the factual allegations in the ten cases noted above. Judge Coleman did not respond to the Formal Written Complaint. On December 9, 1977, the Commission sent Judge Coleman a letter, return receipt requested, informing him that his failure to submit an Answer to the Formal Written Complaint constituted an admission of the allegations against him.

CONCLUSION

By making an ex parte request of another judge for a favorable disposition for a defendant in a traffic case and by granting favorable dispositions to defendants in traffic cases at the request of third parties, Judge Coleman was in violation of Section 33.1, 33.2, 33.3(a)(1) and 33.3(a)(4) of the Rules Governing

Judicial Conduct of the Administrative Board of the Judicial Conference, and Canons 1, 2 and 3(A) of the Code of Judicial Conduct, which read in part as follows:

Every judge...shall himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. [Section 33.1]

A judge shall respect and comply with the law and shall conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. [Section 33.2(a)]

No judge shall allow his family, social or other relationships to influence his judicial conduct or judgment. [Section 33.2(b)]

No judge...shall convey or permit others to convey the impression that they are in a special position to influence him.... [Section 33.2(c)]

A judge shall be faithful to the law and maintain professional competence in it.... [Section 33.3(a) (1)]

A judge shall...except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceedings.... [Section 33.3(a) (4)]

#### DETERMINATION

By reason of the foregoing, in accordance with Article VI, Section 22k, of the Constitution of the State of New York, and Section 43, subdivision 7, of the Judiciary Law, the State Commission on Judicial Conduct has determined that Judge Coleman should be publicly censured.

Respectfully submitted,

State Commission on Judicial  
Conduct

Dated: February 16, 1978  
New York, New York

APPEARANCES:

Gerald Stern (Mary E. Bisantz, Of Counsel) for the Commission  
James W. Coleman, *Pro Se*