

State of New York
Commission on Judicial Conduct

In the Matter of the Proceeding Pursuant to Section 44,
subdivision 4, of the Judiciary Law in Relation to

GLENN T. FIORE,

Determination

a Justice of the North Hudson Town Court,
Essex County.

THE COMMISSION:

Henry T. Berger, Esq., Chair
Jeremy Ann Brown
Stephen R. Coffey, Esq.
Mary Ann Crotty
Lawrence S. Goldman, Esq.
Honorable Daniel F. Luciano
Honorable Frederick M. Marshall
Honorable Juanita Bing Newton
Alan J. Pope, Esq.
Honorable Eugene W. Salisbury
Honorable William C. Thompson

APPEARANCES:

Gerald Stern (Cathleen S. Cenci and Jean M. Savanyu, Of Counsel)
for the Commission

Thomas J. McDonough for Respondent

The respondent, Glenn T. Fiore, a justice of the North Hudson Town Court,
Essex County, was served with a Formal Written Complaint dated February 19, 1997,
alleging that he had conveyed the impression that he was authorized to practice law.

Respondent filed an undated answer. By letter dated May 1, 1997, the administrator of the Commission supplemented the charge with an additional specification. Respondent interposed a denial of that allegation at the hearing on July 10, 1997.

By Order dated March 31, 1997, the Commission designated Robert S. Smith, Esq., as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on May 29 and July 10, 1997, and the referee filed his report with the Commission on November 23, 1997.

By motion dated January 3, 1998, the administrator moved to confirm in part and disaffirm in part the referee's report and for a determination that respondent be censured. Respondent opposed the motion on January 21, 1998.

On March 12, 1998, the Commission heard oral argument, at which respondent and his counsel appeared, and thereafter considered the record of the proceeding and made the following findings of fact.

1. Respondent has been a justice of the North Hudson Town Court since January 1, 1996.
2. Respondent is not a lawyer. He is licensed by the state Workers' Compensation Board to represent clients in its proceedings and has been since 1989. He is also permitted to represent clients before the federal Social Security Administration.
3. Since 1991, respondent has had an informal arrangement with Robert Muller, a Glens Falls attorney, whereby Mr. Muller refers workers' compensation cases

to respondent. They share fees in some cases. Respondent is permitted to use the offices of Mr. Muller's law firm in which to meet clients and, until December 1996, was furnished with stationery and business cards bearing the name of the firm and respondent's name over the title, "WCB Licensed Representative." He has never been an employee of the law firm.

4. Respondent ran for judicial office in the fall of 1995. He composed and mailed to approximately 260 of the 267 residents of the town a letter dated October 30, 1995, and bearing the heading, "Glenn T. Fiore, License [sic] Representative...."

5. Among other things, respondent stated in the letter:

Since 1989, when I passed the state exam I have been self employed as a New York State Workers' Compensation Licensed Representative, prosecuting injured workers' claims before New York State Administrative Courts on a regular basis. I have also practiced at the Federal level as well. At the present time I am the senior associate of the Law Firm of Muller & Muller from Glens Falls, N.Y. and I been with the firm for four years.

6. Respondent was never authorized by Mr. Muller to use the title senior associate.

7. Specifications 4(a), 4(b), 4(c) and 4(d) of Charge I and Specification 4(f) in the letter of May 1, 1997, are not sustained and are, therefore, dismissed.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated the Rules Governing Judicial Conduct then in

effect, 22 NYCRR 100.1 and 100.2(a), and Canons 1, 2A and 7B(1)(c) of the Code of Judicial Conduct. Specification 4(e) of Charge I is sustained, and respondent's misconduct is established. Specifications 4(a), 4(b), 4(c), 4(d) and 4(f) of Charge I, as supplemented by the letter of May 1, 1997, are dismissed.

A judicial candidate may not "misrepresent his identity, qualifications, present position, or other fact." (Code of Judicial Conduct, Canon 7B[1][c]). By stating that he was a "senior associate" in a law firm, respondent implied to the voters that he was a lawyer and, thereby, enhanced and misrepresented his qualifications for the office of town justice.

Such behavior reflects on his role as a judge, since "deception is antithetical to the role of a Judge who is sworn to uphold the law and seek the truth." (Matter of Myers, 67 NY2d 550, at 554; see also, Matter of Menard, 1996 Ann Report of NY Commn on Jud Conduct, at 93; Matter of Bloom, 1996 Ann Report of NY Commn on Jud Conduct, at 65).

By reason of the foregoing, the Commission determines that the appropriate sanction is admonition.

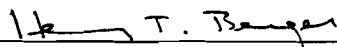
Mr. Berger, Ms. Brown, Mr. Coffey, Mr. Goldman, Judge Luciano, Judge Marshall, Judge Newton, Mr. Pope, Judge Salisbury and Judge Thompson concur.

Ms. Crotty was not present.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct, containing the findings of fact and conclusions of law required by Section 44, subdivision 7, of the Judiciary Law.

Dated: June 25, 1998



Henry T. Berger, Esq., Chair
New York State
Commission on Judicial Conduct