

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

DETERMINATION

WILLIAM J. GORI,

a Justice of the Duane Town Court,
Franklin County.

THE COMMISSION:

Lawrence S. Goldman, Esq., Chair
Honorable Frances A. Ciardullo, Vice Chair
Stephen R. Coffey, Esq.
Colleen C. DiPirro
Richard D. Emery, Esq.
Raoul Lionel Felder, Esq.
Christina Hernandez, M.S.W.
Honorable Daniel F. Luciano
Honorable Karen K. Peters
Alan J. Pope, Esq.
Honorable Terry Jane Ruderman

APPEARANCES:

Robert H. Tembeckjian (Kathryn J. Blake, Of Counsel) for the
Commission

Riebel Law Firm (by David L. Riebel) for Respondent

The respondent, William J. Gori, a justice of the Supreme Court, New York
County, was served with a Formal Written Complaint dated December 13, 2004,

containing one charge.

On January 20, 2005, the administrator of the Commission, respondent and respondent's counsel entered into an Agreed Statement of Facts pursuant to Judiciary Law §44(5), stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be admonished and waiving further submissions and oral argument.

On February 7, 2005, the Commission approved the agreed statement and made the following determination.

1. Respondent has been a justice of the Duane Town Court, Franklin County, since January 1, 1998. He is not an attorney.
2. On or about April 1, 2004, Anna George appeared in Duane Town Court before respondent in the matter *People v. Anna George*, a Vehicle and Traffic Law matter. Ms. George's driver's license had been suspended because she had allegedly failed to attend a previously scheduled court appearance for a Speeding ticket.
3. Ms. George's sister, Lucille K. Millett, had driven her to the courthouse and was waiting in the parking lot when Ms. George entered the courtroom. Ms. Millett was neither scheduled nor required to appear in court. There were no pending or impending charges against her or proceedings involving her.
4. Respondent called Ms. George to the bench and asked her if she was accompanied to court by a licensed driver. Ms. George responded that her sister, Ms. Millett, had driven her to court.

5. Respondent informed Ms. George that he wished to speak with Ms. Millett and directed Ms. George to ask Ms. Millett to come inside so he could confirm that Ms. George was accompanied by a licensed driver. Ms. George left the courtroom, walked outside to the parking lot and relayed respondent's request to Ms. Millett.

6. Ms. George returned to the courtroom with Ms. Millett. Respondent asked Ms. Millett to produce her driver's license, which she did. Respondent asked if the license was valid, to which she replied, "Yes." Respondent then asked Ms. Millett if he could verify the validity of the license and said he was required by law to do so because some people come to court without legal licenses. Respondent did so notwithstanding that there was no pending or impending case or matter concerning Ms. Millett and that respondent had no jurisdiction over her. Ms. Millett agreed and respondent called the New York State Police to check Ms. Millett's license, which was valid. Respondent returned the license to Ms. Millett.

7. Respondent did not ask any other spectator to produce his or her license for verification during that session of court, although he has on previous occasions done so when persons with suspended licenses appeared before him.

8. Respondent acknowledges that he had no basis in law or other reasonable basis to summon Ms. Millett to the bench, take her driver's license and check its validity with the New York State Police. Respondent promises not to engage in such conduct in the future.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A) and 100.3(B)(1) of the Rules Governing Judicial Conduct and should be disciplined for cause, pursuant to Article 6, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charge I of the Formal Written Complaint is sustained, and respondent's misconduct is established.

It was improper for respondent to summon Ms. Millett to his court, to ask for her driver's license and to check its validity with the police. Respondent had no authority over Ms. Millet, who had transported her sister to court and had been waiting in the parking lot. Any time a judge makes a "request," it is likely to be interpreted as mandatory, and respondent had no legitimate reason to investigate the license of an individual who was not the subject of any pending or impending matter or otherwise within the court's jurisdiction. Respondent's actions conveyed the impression that he was acting in a law enforcement or quasi-prosecutorial role. His conduct was contrary to the ethical rules requiring a judge to be faithful to the law and to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary (Rules Governing Judicial Conduct, Sections 100.2[A] and 100.3[B][1]).

We note that respondent, who has served as a judge for seven years, was admonished in 2001 for mishandling a small claims case. *Matter of Gori*, 2002 Annual Report 101 (Comm. on Judicial Conduct).

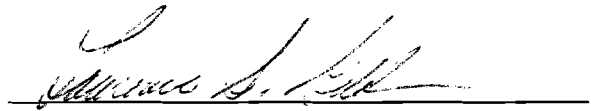
By reason of the foregoing, the Commission determines that the appropriate disposition is admonition.

Mr. Goldman, Judge Ciardullo, Mr. Coffey, Ms. DiPirro, Mr. Emery, Mr. Felder, Ms. Hernandez, Judge Luciano, Judge Peters, Mr. Pope and Judge Ruderman concur.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: February 10, 2005

A handwritten signature in black ink, appearing to read "Lawrence S. Goldman", is written over a horizontal line.

Lawrence S. Goldman, Esq., Chair
New York State
Commission on Judicial Conduct