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

LAWRENCE I. HOROWITZ,

A Justice of the Supreme Court,
Westchester County.

NOTICE OF FORMAL WRITTEN COMPLAINT

NOTICE is hereby given to respondent, Lawrence I Horowitz, a Justice of the Supreme Court, Westchester County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon respondent the annexed Formal Written Complaint; and that, in accordance with said statute, respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its New York office, 61 Broadway, New York, New York 10006, with his verified Answer to the specific paragraphs of the Complaint.

Dated: March 20, 2006
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

To: Deborah A. Scalise, Esq.
Attorney for Respondent
Jones Sledzik Garneau & Nardone
670 White Plains Road
Scarsdale, New York 10583

Ex. 1

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

LAWRENCE I. HOROWITZ,

A Justice of the Supreme Court,
Westchester County.

FORMAL
WRITTEN COMPLAINT

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct ("Commission"), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Lawrence I. Horowitz ("respondent"), a Justice of the Supreme Court, Westchester County.

3. The factual allegations set forth in Charges I and II state acts of judicial misconduct by respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").

CHARGE I

4. On or about February 3, 2005, respondent intervened with the Yorktown Police Department on behalf of Michelle Nolan, his close personal friend, who

had been stopped for speeding and was arrested for driving a car that had been reported stolen.

5. From on or about February 5, 2005, to on or about February 7, 2005, respondent intervened on Ms. Nolan's behalf with the Mount Pleasant Police Department and the Westchester County District Attorney's Office, attempting to prompt an investigation into the conduct of Ms. Nolan's estranged husband, Christopher Angiello, and her brother-in-law, Police Officer Dominic Angiello, for their conduct in allegedly having Ms. Nolan's car inaccurately reported as stolen.

Specifications to Charge I

6. Dominic Angiello and Christopher Angiello are brothers.

7. At all times relevant hereto:

A. Dominic Angiello was a police officer with the Mount Pleasant Police Department.

B. Christopher Angiello was legally separated from his wife, Michelle Nolan

C. Michele Nolan and respondent were romantically involved with each other.

8. On or about February 3, 2005, Michelle Nolan was stopped by a Yorktown Police officer for speeding. A subsequent New York Statewide Police Information Network (NYSPIN) check indicated that Mr. Nolan's car was reported as stolen. Ms. Nolan was brought into police headquarters and called respondent.

9. Respondent called the police station and spoke with Police Officer T. J. Gentner, who knew respondent. Respondent told Officer Gentner that Ms. Nolan was a friend of his and would respond to the traffic summonses. Although Officer Gentner's supervisor had recommended that Ms. Nolan be charged with a crime and that bail be set, Officer Gentner issued Ms. Nolan several summonses, did not charge her with a crime, and released her.

10. On or about February 5, respondent accompanied Ms. Nolan to the Mount Pleasant Police Department in order to file a complaint against Christopher Angiello for having falsely reported Ms. Nolan's car as stolen. In a meeting at the police station with Officer James Reilly, respondent demanded that Dominic Angiello also be investigated. During the meeting, respondent gave Officer Reilly his business card, which identified him as a Justice of the Supreme Court.

11. Officer Reilly thereafter called Sergeant Paul O'Leaver into the meeting and advised him that respondent was a judge and that respondent and Ms. Nolan were making complaints against Dominic Angiello and Christopher Angiello. Respondent persisted in asking that charges be drawn up, but Sergeant O'Leaver declined to draw up charges against either Dominic or Christopher Angiello

12. Respondent thereafter dictated a statement to the police on behalf of Ms. Nolan, which Officer Reilly typed and Ms. Nolan signed. Respondent thereafter said in the presence of Ms. Nolan and Officer Reilly, "Now we'll see whose dick is bigger, mine or Donny's," referring to Officer Angiello.

13. On or about February 7, 2005, respondent called Mount Pleasant Police Chief Louis Alagno, identified himself as a Justice of the Supreme Court, indicated that he believed Christopher Angiello had committed a crime, and indicated that Ms. Nolan's complaint should be investigated.

14. On or about February 7, 2005, respondent telephoned Westchester County Assistant District Attorney Vincent O'Connell, mentioned that he was a judge and indicated that Ms. Nolan's complaint should be investigated.

15. On or about February 7, 2005, respondent telephoned Westchester County Chief Assistant District Attorney Richard Weill and indicated that Ms. Nolan's complaint should be investigated.

16. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; and failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and to act in a manner that upholds public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and lent the prestige of judicial office to advance the private interest of another, in violation of Section 100.2(C) of the Rules.

CHARGE II

17. From on or about January 1, 2004, to on or about April 30, 2005, respondent lent the prestige of judicial office to his private business, family and other matters, in that he used his judicial stationery for personal correspondence unrelated to his official duties, including a bill-paying dispute with a telephone company.

Specifications to Charge II

18. On or about October 12, 1004, in connection with a billing dispute between respondent and Verizon and Yellow Book USA, over an unpaid bill of $14,707.45 for a telephone number associated with his former law practice, respondent wrote a letter on his judicial stationery to Verizon, contesting the bill. A copy of the letter is annexed as Exhibit A

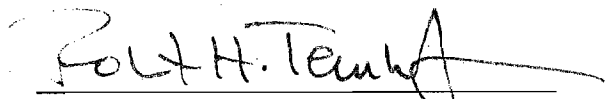
19. On or about December 7, 2004, in connection with the billing dispute between respondent and Verizon and Yellow Book USA, respondent wrote three letters on his judicial stationery to Verizon, contesting the bill and one letter to Yellow Book USA. Copies of the letters to Verizon are annexed as Exhibit B, Exhibit C and Exhibit D and the letter to Yellow Book USA is annexed as Exhibit E.

20. From on or about January 1, 2004, to on or about April 30, 2005, respondent wrote approximately 38 letters on his judicial stationery, on personal or family business or other matters unrelated to his judicial office, such as to the schools his children attend (commenting on certain school policies) and to his house of worship (discussing his membership dues).

21. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; and failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and to act in a manner that upholds public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and lent the prestige of judicial office to advance his own private interest and or the private interests of others, in violation of Section 100.2(C) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: March 20, 2006
New York, New York



ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
212-809-0566

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

LAWRENCE I. HOROWITZ,

VERIFICATION

A Justice of the Supreme Court,
Westchester County.

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.

2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.

3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.

Robert H. Tembeckjian

Sworn to before me this
20th day of March 2006

Melissa R. DiPalo
Notary Public

Melissa R. DiPalo
Notary Public, State of New York
No. 02DI6065643
Qualified in Kings County
Commission Expires 10/22/09

EXHIBIT A

Supreme Court of the State of New York
ORANGE COUNTY COURTHOUSE
255-285 MAIN STREET
GOSHEN, NEW YORK 10924

CHAMBERS OF
LAWRENCE I. HOROWITZ
SUPREME COURT JUSTICE

October 12, 2004

PERSONAL and UNOFFICIAL

Verizon
PO Box 15124
Albany, New York 12212-5124

Re: Outstanding Bills - Telephone number 914 V02 0111
Account # 914 v02 0111 587 69 9

Dear Sir or Madam:

I have written to you on prior occasions and requested that you change the address where you send the bills. The address for bills to be sent is P.O. Box 547, Yorktown Heights, New York 10598. Please be further advised that I am having a problem with Verizon getting the phone back in my name and have corresponding with Kelly Stumpo to try to accomplish this. Currently the phone is ringing at an un occupied office and I have e-mailed Ms. Stumpo about having the lines transferred or in the interim having calls forwarded. I have not heard back.

Very truly yours,

LAWRENCE IVAN HOROWITZ

cc: Verizon POB 999, Hicksville, New York 11802-0999, Kelly Stumpo

EXHIBIT B

Supreme Court of the State of New York
ORANGE COUNTY COURTHOUSE
255-285 MAIN STREET
GOSHEN, NEW YORK 10924

CHAMBERS OF
AWRENCE I. HOROWITZ
SUPREME COURT JUSTICE

December 7, 2004

PERSONAL and UNOFFICIAL

Gloria Rios
Legal Department
Verizon
1095 Avenue of the Americas
Room 3794
New York, New York 10036

Re: 914-962-4500

Dear Ms. Rios:

As you can see from my letterhead, I am a New York State Supreme Court Justice. Prior to my obtaining that position, I was an attorney in private practice for many years with the above referenced number. When I was elected, I could no longer advertise, but could and am allowed to continue to possess property namely a phone number. I both wanted and needed this phone number for the reasons I will now state.

When I took the bench, I was and still am not sure what the length of my tenure would be. Although the term is for fourteen years, because of issues in my personal life (a matrimonial) I wanted to reserve the option of resuming my law practice with the number so many people knew for so many years. In addition it was my intention to work out an arrangement with another attorney to receive the calls from that number and, in turn, pay the advertising cost associated with that phone number. I contracted with Verizon and Yellow book prior to my winning in November of 2004.

Ultimately, I thought I had such an arrangement with Martin Ashley. Martin Ashley, unilaterally and without my permission transferred, the phone service from Bridgecom to Verizon. He had the phone once again without my permission put in his name. I immediately spoke to Martin and he, as I understand, both spoke to and sent an e-mail to Kelly Stumpo at Verizon (a copy of the e-mail he sent is annexed hereto). Kelly Stumpo sent him an e-mail in response. (copy of that e-mail is annexed) Thereafter I sent a letter to Verizon (a copy of which is annexed) in which I reiterated my position and attached the Stumpo correspondence.

During July, August and September, I spoke with various individuals to check on the progress of my phone number. (I have the names of the individuals I spoke to). Finally on September 7, 2004, I spoke to Michelle Montalvo who told me the matter was being processed by Kelly Stumpo and I would be notified shortly. On September 15, 2004 I sent an e-mail to Ms. Stumpo expressing my concern and dismay over the situation. I had terminated my arrangement with Mr. Ashley on August 31, 2004 and wanted to move the phone lines to a different law office.

Imagine my surprise when I called the number last week and got a recorded message saying the line was not in service and calls were being take at another number. A number owned or controlled by Martin Ashley. When I spoke to Pamela George of Verizon this morning I was told the number was still in the name of Martin Ashley.

I appreciate your responding as soon as possible as I will have to take legal action against Verizon and Mr. Ashley if this matter is not resolved.

Thank you for your attention to this matter.

Very truly yours,

LAWRENCE IVAN HOROWITZ

cc: Martin Ashley

EXHIBIT C

Supreme Court of the State of New York
ORANGE COUNTY COURTHOUSE
255-285 MAIN STREET
GOSHEN, NEW YORK 10924

CHAMBERS OF
AWRENCE I. HOROWITZ
SUPREME COURT JUSTICE

December 7, 2004

PERSONAL and UNOFFICIAL

Gloria Rios
Legal Department
Verizon
1095 Avenue of the Americas
Room 3794
New York, New York 10036

Re: 914-962-4500

Dear Ms. Rios:

I reviewing my file last night I discovered an additional letter I sent on October 12, 2004. A copy is attached

Thank you for your attention to this matter.

Very truly yours,

LAWRENCE IVAN HOROWITZ

cc: Martin Ashley

EXHIBIT D

Supreme Court of the State of New York
ORANGE COUNTY COURTHOUSE
255-285 MAIN STREET
GOSHEN, NEW YORK 10924

CHAMBERS OF
LAWRENCE I. HOROWITZ
SUPREME COURT JUSTICE

December 7, 2004

PERSONAL and UNOFFICIAL

Verizon
PO BOX 15124
Albany, New York 12212-5124

Re: 914-962-4500 - advertising
Account 914V02 0111 587 69 9

To Whom It May Concern:

Pursuant to State and Federal law please consider all charges to the above referenced account in dispute. As you can see from the annexed correspondence with Ms. Rios. I do not have access to the lines and therefore cannot have someone benefit from the phone calls so the bill can be paid. As soon as my authority to direct the call is restored I will be in a position to pay amounts billed.

I have previously notified you that my address for billing purposes is P.O. Box 547, Yorktown Heights, New York 10598.

Thank you for your attention to this matter.

Very truly yours,

LAWRENCE IVAN HOROWITZ

cc: Martin Ashley
Gloria Rios
P.O. Box 64809, Baltimore, MD 21264-4809

EXHIBIT E

Supreme Court of the State of New York
ORANGE COUNTY COURTHOUSE
255-285 MAIN STREET
GOSHEN, NEW YORK 10924

CHAMBERS OF
LAWRENCE I. HOROWITZ
SUPREME COURT JUSTICE

December 7, 2004

PERSONAL and UNOFFICIAL

Yellow Book USA
c/o Yellow Book of New York
193 EAB Plaza
Uniondale, New York 11556-0193

Re: 914-962-4500 - advertising
Account 037365

To Whom It May Concern:

Pursuant to State and Federal law please consider all charges to the above referenced account in dispute. As you can see from the annexed correspondence with Ms. Rios. I do not have access to the lines and therefore cannot have someone benefit from the phone calls so the bill can be paid. As soon as my authority to direct calls is restored I will be in a position to pay amounts billed.

I am however further troubled, as I understand that your company dealt directly with Martin Ashley and worked out or agreed to a disposition of the amount owed. This was done without my involvement or knowledge. It appears you may have an action against Mr. Ashley if he in fact committed to making any payments.

Thank you for your attention to this matter.

Very truly yours,

LAWRENCE IVAN HOROWITZ

cc: Martin Ashley

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

==========X

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

Lawrence Ivan Horowitz,

A Justice of the Supreme Court,
Westchester County.

VERIFIED ANSWER
TO FORMAL
WRITTEN COMPLAINT

==========X

STATE OF NEW YORK)
ss:
COUNTY OF WESTCHESTER)

LAWRENCE I. HOROWITZ being duly sworn, deposes and says that he is the respondent in the above-captioned action; that the following constitutes his Answer to the Formal Written Complaint; that such Answer is based upon his own knowledge, except as to matters therein stated to be alleged upon information and belief and as to those matters he believes to be true.

1. I admit that the Commission on Judicial ("Commission") conduct is so empowered.

2. I admit that this is true and that I agreed that service be made upon my attorney, Deborah A. Scalise. Upon information and belief, service of the Notice of the Formal Written Complaint and the Formal Written Complaint was made by mail and received by Ms. Scalise. I admit that I have served as a Justice of the

Ex. 2

Supreme Court, Westchester County, since January 2004, after having served as a Westchester County Court Judge from June through December 2003.

3. I admit in part and deny in part as stated below that the factual allegations set forth in Charges I-III state acts of judicial misconduct in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").

CHARGE I

4. As set forth below, I admit in part and deny in part.

5. As set forth below, I admit in part and deny in part.

Specifications as to Charge I

6. Upon information and belief, Dominic and Christopher Angiello are brothers.

7. Upon information and belief,

A. Dominic Angiello was a Police Officer with the Mount Pleasant Police Department.

B. Christopher Angiello was legally separated from his wife, Michelle Nolan.

C. I admit that Michele Nolan and I were close personal friends and romantically involved.

8. Upon information and belief I admit in part and deny in part that this paragraph is true. I admit that Michelle Nolan was stopped for speeding. However, upon information and belief, the subsequent New York Statewide Police Information Network (NYSPIN) check indicated that Mr. Nolan's "license plates were

reported as lost or stolen". Upon information and belief I admit that Ms. Nolan was brought to the Yorktown Police Station and called me.

9. I admit that on that same date, I called the police station and spoke with Police Officer T.J. Gentner, who knew me as an attorney from Westchester County, but at the time was not aware that I had become a judge. Although I told Officer Gentner that Ms. Nolan was a friend and would respond to the traffic summonses, at no time did I ever mention that I was a judge. Upon information and belief Ms. Nolan's private attorney appeared at the police station on that same date. Upon information and belief, I later learned that Officer Gentner's supervisor recommended that Ms. Nolan be charged with a crime and that bail be set but that Officer Gentner issued Ms. Nolan several summonses for violations and released her.

10. I admit that on or about February 5, 2005, I accompanied Ms. Nolan to the Mount Pleasant Police Department to file a complaint against her former husband, Christopher Angiello, for having falsely reported Ms. Nolan's license plates as "lost or stolen". I deny that in the meeting at the police station with Officer James Reilly, I demanded that Dominic Angiello also be investigated, but admit that I stated that I was appearing as Ms. Nolan's friend. I admit that I handed my business card to Officer Reilly.

11. I admit that Officer Reilly thereafter called in his Supervisor Sergeant Paul O'Leaver. I note that prior to that date Officer Reilly and I had never met and that when Sergeant O'Leaver inquired as to who I was, I reiterated that I was there as

Ms. Nolan's friend and that I was not appearing as her attorney. I admit that I was present when Ms. Nolan asked that charges be drawn up, and that Sergeant O'Leaver declined to draw up charges against either Dominic or Christopher Angiello. I deny that I ever made or "persisted" in such request.

12. I deny that I dictated a statement to the police which was typed by Officer Reilly and signed by Ms. Nolan. I admit that when walking back to my car with Ms. Nolan, I was unaware that anyone was listening, was caught up in the emotion of the moment, and made a statement to Ms. Nolan to the effect that "There was a lot of dick waving going on in there and I guess we'll find out who has the bigger dick." However, I deny that this statement was intentionally made in front of Officer Reilly. At no time was the statement made with an intent for Officer O'Reilly to hear the statement.

13. I admit that on or about February 7, 2005, I called Mount Pleasant Police Chief Louis Alagno, however, I do not recall having identified myself as a Justice of the Supreme Court . I admit that indicated that I believed Christopher Angiello had committed a crime, and indicated that Ms. Nolan's complaint should be investigated.

14. I admit that on or about February 7, 2005, I telephoned Westchester County Assistant District Attorney Vincent O'Connell. However I deny that I mentioned I was a judge, because I knew Mr. O'Connell for many years prior to the telephone call. I admit that I indicated that Ms. Nolan's complaint should be investigated.

15. I admit that on or about February 7, 2005, I telephoned Westchester County Chief

Assistant District Attorney Richard Weill and indicated that Ms. Nolan's complaint should be investigated.

16. I admit in part and deny in part. I admit that I should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a) of the Constitution and Section 44, subdivision 1 of the Judiciary Law. I deny that I failed to maintain the high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; and that I failed to avoid impropriety and the appearance of impropriety in that I failed to respect and comply with the law and to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and that I lent the prestige of judicial office to advance the private interests of another, in violation of Section 100.2(C) of the Rules.

CHARGE II

17. As set forth below, I admit in part and deny in part.

Specifications as to Charge II

18. I admit these facts, with an explanation. When I became a judge I used my office stationary for all correspondence, including personal and business matters. I have sent letters to my kids in camp, to my relatives and for any other correspondence that was necessary. I typed all the letters myself and used my own postage. However, I always inserted the words "Personal and Unofficial" in the

top right hand corner of each letter, thereby indicating that such was not sent in my official capacity as a judge. Thus, I did not believe that the receiver of such letter would perceive that I was requesting preferential treatment due to my position. I now recognize that I may have been wrong in my view as to how such a letter would be perceived. However, I specifically note that I never received any preferential treatment as a result of the aforementioned correspondence and will present evidence to corroborate such fact.

19. I admit these facts with an explanation. When I became a judge I used my office stationary for all correspondence, including personal and business matters. I have sent letters to my kids in camp, to my relatives and for any other correspondence that was necessary. I typed all the letters myself and used my own postage. However, I always inserted the words "Personal and Unofficial" in the top right hand corner of each letter, thereby indicating that such was not sent in my official capacity as a judge. Thus, I did not believe that the receiver of such letter would perceive that I was requesting preferential treatment due to my position. I now recognize that I may have been wrong in my view as to how such a letter would be perceived. However, I specifically note that I never received any preferential treatment as a result of the aforementioned correspondence and will present evidence to corroborate such fact.

20. I admit these facts with an explanation. When I became a judge I used my office stationary for all correspondence, including personal and business matters. I have sent letters to my kids in camp, to my relatives and for any other correspondence

that was necessary. I typed all the letters myself and used my own postage. However, I always inserted the words "Personal and Unofficial" in the top right hand corner of each letter, thereby indicating that such was not sent in my official capacity as a judge. Thus, I did not believe that the receiver of such letter would perceive that I was requesting preferential treatment due to my position. I now recognize that I may have been wrong in my view as to how such letters would be perceived. However, I specifically note that I never received any preferential treatment as a result of the aforementioned correspondence and will present evidence to corroborate such fact.

21. I deny that I should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a) of the Constitution and Section 44, subdivision 1 of the Judiciary Law. I deny that I failed to uphold the integrity and independence of the judiciary by failing to maintain the high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules. I deny that I failed to avoid impropriety and the appearance of impropriety in that I failed to respect and comply with the law and to act in a manner that upholds public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules. I deny that I lent the prestige of judicial office to advance my own private interest and/or the private interests of others, in violation of Section 100.2(C) of the Rules.

MITIGATION

22. I respectfully requests that the Commission allow me to submit evidence in mitigation setting forth, *inter alia*, that:

- I was a relatively new judge when the matters referred to herein occurred, having been appointed to the Westchester County Court in June 2003 and sworn in as a Justice of the Supreme Court on January 1, 2004;

- at the time of the incidents described above, I had served as a Judge for only one and a half years;

- during my run for election to the Supreme Court in 2003, my wife of eighteen years requested a divorce and I was in the midst of a highly contested litigation regarding the divorce, as well as the impact from the emotional fallout of the same for my children, at the time when the matters referred to herein occurred;

- my son was classified by the Chappaqua School' Committee as having Attention Deficit Hyperactivity Disorder ("ADHD") and emotional disabilities. Thus, it was and continues to be an issue I deal with on his behalf to ensure that he obtains the services he needs;

- my mother suffered from Alzheimer's Disease and recently passed away. However, when the matters referred to herein occurred I was dealing with issues arising from her illness;

- my career change from a lucrative, successful law practice to public service left me with large financial concerns, such as the divorce, college expenses for my children; and campaign debt;

- my own physical health issues including, *inter alia,* diabetes, high blood pressure, high cholesterol and multiple hospitalizations for abdominal obstructions and hernias, two of which resulted in hospitalizations for surgery, recoveries and medication changes;

- my recognition that the conduct described above could be perceived as using my position as a judge;

- other than the conduct cited herein, I have done my best to fulfill my judicial duties and not to allow personal issues to interfere with the work I was entrusted to do by virtue of my election to the Bench; and

- I will not repeat such actions ever again.

23. I also request that the Commission accept and consider the three attached character letters submitted in mitigation from the Honorable Francis A. Nicolai, the Administrative Judge for the Ninth Judicial District, the Honorable John K. McGuirk, the Senior Resident Justice of the Supreme Court in Orange County and Honorable James Cavanaugh, the President of the Battery Park City Authority in New York City. Notably, even though each of the letters was independently authored, several common themes are set forth in each of them including, *inter alia*,

1. that I fully informed each writer of the nature and extent of the pending charges;

2. that I fully accepted responsibility and demonstrated my remorse for his actions;

3. that I was under a great deal of stress arising from personal issues during the period in question; and

4. that they are confident that I have learned from my mistakes and will not repeat such conduct.

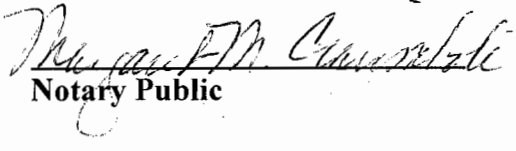
WHEREFORE, I pray that the Commission will be compassionate in the disposition of this matter and allow me to continue to serve as a Supreme Court Justice for the Ninth Judicial District.

Dated: December 4, 2006
Westchester County, New York

Respectfully submitted,

Lawrence I. Horowitz

Sworn to before me on this 4th
day of December 2006



Notary Public

MARGARET M. CIARIMBOLI
Notary Public, State of New York
Qualified in Orange County
Commission Expires October 5, 2009

LAWRENCE IVAN HOROWITZ
51 Granite Court
Chappaqua, New York 10514
(914) 522-1159

June 20, 2007

VIA FACSIMILE AND FIRST CLASS MAIL

Honorable Anne T. Pfau
Chief Administrator of the Courts
25 Beaver Street
New York, NY 10004

Honorable Francis A. Nicolai
Administrative Judge of the Ninth Judicial District
Westchester County Courthouse
111 Martin Luther King Boulevard
White Plains, New York 10601

RE: Resignation from Position of Supreme Court Justice, Westchester County

Dear Justice Pfau and Justice Nicolai:

Please accept this letter as notification of my resignation from the position of Justice of the Wetchester County Supreme Court, effective as of June 22, 2007, close of business.

Very truly yours,

Lawrence I. Horowitz

cc: Honorable John McGuirk

Robert Tembeckjian, Chief Administrator

Deborah A. Scalise, Esq.

Ex. 3