

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

HEATHER L. KNOTT,

a Justice of the Hague Town Court,
Warren County.

Determination

THE COMMISSION:

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

APPEARANCES:

Gerald Stern for the Commission

John C. Turi for Respondent

The respondent, Heather L. Knott, a justice of the Hague Town Court, Warren County, was served with a Formal Written Complaint dated September 18, 1998, alleging two charges of misconduct. Respondent filed an answer dated November 23, 1998.

On April 8, 1999, 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 on the agreed upon facts, jointly recommending that respondent be censured and waiving further submissions and oral argument.

On April 15, 1999, the Commission approved the agreed statement and made the following determination.

As to Charge I of the Formal Written Complaint:

1. Respondent, an attorney, has been a justice of the Hague Town Court since January 1994.

2. On May 25, 1996, respondent was stopped by a police officer in the Village of Ticonderoga for failing to stop at a red light. Respondent identified herself as a Hague town justice and contended that the light had been yellow. The officer did not issue her a ticket.

As to Charge II of the Formal Written Complaint:

3. On various occasions during the summers of 1994, 1995 and 1996, respondent presided in court while under the influence of alcohol. She frequently exuded an odor of alcohol; displayed red, glassy eyes; slurred her

speech; had difficulty reading written material, and occasionally made inappropriate comments.

4. The allegation in Paragraph 7 of Charge II is not sustained and is therefore dismissed.

Supplemental finding:

5. In July 1997, respondent was advised by her doctor that she was suffering from alcoholic hepatitis and should refrain from drinking alcohol.

Respondent maintains that she has abstained from the use of alcoholic beverages since that time and has promised to refrain from drinking in the future.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated the Rules Governing Judicial Conduct, 22 NYCRR 100.1 and 100.2(A). Charge I and Paragraph 6 of Charge II of the Formal Written Complaint are sustained insofar as they are consistent with the findings herein, and respondent's misconduct is established. The allegation in Paragraph 7 of Charge II is dismissed.

A judge who presides while under the influence of alcohol compromises public confidence in her decisions and judgment. (Matter of Purple, 1998 Ann Report of NY Commn on Jud Conduct, at 149, 150).

It was also wrong for respondent to mention her judicial office when stopped on an alleged traffic infraction. “The mere mention of [] judicial office in order to obtain treatment not generally afforded to others violates the canons of judicial ethics.” (Matter of D’Amanda, 1990 Ann Report of NY Commn on Jud Conduct, at 91, 94). “The absence of a specific request for favorable treatment or special consideration is irrelevant....” (Matter of Edwards, 67 NY2d 153, 155).

Respondent’s presiding under the influence is, of course, serious misconduct. However, it appears that respondent has recognized that she has a problem and has abstained from drinking alcoholic beverages. She has stated that she will abstain in the future. Thus, we conclude that removal is not necessary. (See, Matter of Giles, 1998 Ann Report of NY Commn on Jud Conduct, at 127, 128).

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

Mr. Berger, Ms. Brown, Mr. Coffey, Mr. Goldman, Ms. Hernandez,
Judge Joy, Judge Marshall, Judge Newton and Judge Salisbury concur.

Judge Luciano and Mr. Pope were 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 11, 1999

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