

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

GLENN R. LATREMORE,

a Justice of the Chazy Town Court,
Clinton County.

THE COMMISSION:

Mrs. Gene Robb, Chairwoman
John J. Bower, Esq.
David Bromberg, Esq.
Honorable Carmen Beauchamp Ciparick
E. Garrett Cleary, Esq.
Dolores DelBello
Victor A. Kovner, Esq.
Honorable William J. Ostrowski
Honorable Isaac Rubin
Honorable Felice K. Shea
John J. Sheehy, Esq.

APPEARANCES:

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

Neverett, Asadourian & Johnston, P.C. (By Francis H.
Neverett) for Respondent

The respondent, Glenn R. Latremore, a justice of the
Chazy Town Court, Clinton County, was served with a Formal
Written Complaint dated August 4, 1984, alleging that he
presided over cases involving clients of his private insurance
business. Respondent filed an answer dated September 7, 1984.

By order dated November 5, 1984, the Commission designated Francis C. LaVigne, Esq., as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on January 30 and 31, 1985, and the referee filed his report with the Commission on October 24, 1985.

By motion dated January 23, 1986, the administrator of the Commission moved to confirm in part and disaffirm in part the referee's report, to adopt additional findings and conclusions and for a finding that respondent be removed from office. Respondent opposed the motion on March 7, 1986. The administrator filed a reply on March 13, 1986.

On March 20, 1986, the Commission heard oral argument, at which respondent appeared by counsel, and thereafter considered the record of the proceeding and made the following findings of fact.

Preliminary findings:

1. Respondent is a part-time justice of the Chazy Town Court and has been since 1972.
2. Respondent is also an agent of the Nationwide Insurance Company and has been since 1969.
3. Respondent is paid a commission for each policy that he services for the company.

4. Respondent operates his insurance business from his home. He sometimes conducts court business in his insurance office.

As to Charge I of the Formal Written Complaint:

5. Respondent presided over and disposed of the following cases in which the defendants held automobile insurance policies serviced by respondent's business and were known by respondent to be clients:

<u>Defendant</u>	<u>Date of Disposition</u>
Dale M. Brown	7/30/80
Dale M. Brown	4/20/83
Donald H. Deso	6/23/82
David M. Duprey	8/6/80
Wendy W. Fung	5/26/82
Dale S. Gonyo	4/12/82
Kenneth T. Hawksby *	5/26/82
Steven D. Jennett	6/23/82
Morris G. Jennette	1/5/81 (two charges)
Kenneth E. Leazott	4/21/82
Alan D. Mooney	9/11/81 (four charges)
Alan D. Mooney	1/27/82
Alan D. Mooney	2/17/82
Alan D. Mooney	4/12/82
Alan D. Mooney	3/30/83
John A. Riley	7/1/82
Randy D. Stromback	4/21/82

6. On May 26, 1982, Shelia M. Bunn appeared before respondent on charges of Driving While Intoxicated and Failure

* Mr. Hawksby also held a farm insurance policy with respondent's firm.

To Keep Right. Respondent offered to reduce the D.W.I. charge to Driving While Ability Impaired. Ms. Bunn pled guilty to D.W.A.I. and Failure To Keep Right, and respondent fined her \$250 on the D.W.A.I. charge and \$5 on the other charge. Respondent did not note the convictions on Ms. Bunn's license renewal stub. At the time, Ms. Bunn's automobile insurance was serviced by respondent's business. Ms. Bunn appeared for the court proceeding at respondent's insurance office with her mother, who also had insurance through respondent's business. Respondent testified that he did not realize at the time that Ms. Bunn or her mother were his clients.

7. On May 7, 1982, Robert J. Tripi appeared before respondent on a charge of Failure To Keep Right. Respondent reduced the charge to Unsafe Tire and imposed a \$10 fine. At the time, Mr. Tripi's automobile insurance was serviced by respondent's business. Respondent testified that he did not realize at the time that Mr. Tripi was a client.

8. On May 26, 1982, Steven B. Walker appeared before respondent on a charge of Modified Exhaust. Mr. Walker pled guilty and was given a conditional discharge by respondent. At the time, Mr. Walker's automobile insurance was serviced by respondent's business. Respondent testified that he was not aware at the time that Mr. Walker was a client.

As to Charge II of the Formal Written Complaint:

9. On July 26, 1981, respondent issued a warrant for the arrest of Rodney Sterling on a charge of Trespass, based on an information executed by Ludwig P. Kleinschmidt.

10. Mr. Kleinschmidt was never notified of a court date in connection with his complaint.

11. In August 1981, respondent conducted a hearing in the matter and dismissed the charge against Mr. Sterling.

12. Respondent kept no docket or other record of the disposition of the case.

13. Mr. Kleinschmidt was not notified of the disposition.

14. At the time, Mr. Sterling was a client of respondent's insurance business, and respondent was aware that he was a client.

As to Charge III of the Formal Written Complaint:

15. On October 28, 1981, respondent presided over a non-jury trial in which Mr. Sterling was charged with Harrassment on the complaint of Mr. Kleinschmidt's wife, Marilyn.

16. Respondent dismissed the charge against Mr. Sterling.

17. Respondent kept no docket or other record of the case.

18. Ms. Kleinschmidt was not notified of the disposition of the matter.

19. At the time, Mr. Sterling was a client of respondent's insurance business, and respondent was aware that he was a client.

As to Charge IV of the Formal Written Complaint:

20. On April 2, 1978, Morris G. Jennette was charged with Driving While Intoxicated and Driving To The Left Of Pavement Markings.

21. On June 28, 1978, Mr. Jennette appeared before respondent in his insurance office.

22. On his own motion, respondent reduced the D.W.I. charge to Driving While Ability Impaired and granted a conditional discharge requiring Mr. Jennette to attend a safe driving school.

23. Respondent dismissed the charge of Driving To The Left of Pavement Markings.

24. Mr. Jennette had been convicted in another court 18 months earlier, on December 28, 1976, of Driving With .10 Percent Or More Alcohol In Blood.

25. In the case before respondent, Mr. Jennette was not charged with a felony charge of Driving While Intoxicated, and respondent testified that he was not aware of the previous conviction when he disposed of the case.

26. At the time, Mr. Jennette was an insurance client of respondent and had been since 1973, and respondent knew that he was a client when he disposed of the case.

As to Charge V of the Formal Written Complaint:

27. On September 14, 1980, David M. Duprey was charged with Driving While Intoxicated, Parking Without Lights and Leaving The Scene Of A Property Damage Accident.

28. On September 17, 1980, Mr. Duprey appeared before respondent.

29. Respondent reduced the D.W.I. charge to Driving While Ability Impaired, accepted a plea of guilty and granted a conditional discharge.

30. Respondent also granted a conditional discharge on the charge of Parking Without Lights and dismissed the remaining charge.

31. At the time, Mr. Duprey's automobile insurance was serviced by respondent's business.

32. Mr. Duprey appeared in court with his father, who was also respondent's insurance client.

33. Respondent was aware at the time that both men were clients.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2, 100.3(a)(1), 100.3(c) and 100.5(c)(1) of the Rules Governing Judicial Conduct; Canons 1, 2, 3A(1), 3C and 5C(1) of the Code of Judicial Conduct; Sections 107, 2019 and 2019-a of the Uniform Justice Court Act, and Section 105.3 of the Recordkeeping Requirements for Town and Village Courts. Charges I through V of the Formal Written Complaint are sustained, and respondent's misconduct is established.

Respondent is required to disqualify himself in any case in which his impartiality might reasonably be questioned, such as those in which he has a financial interest in his client's cases or an interest that could be substantially affected by the outcome of a proceeding. Section 100.3(c)(1)(iii) of the Rules Governing Judicial Conduct. A judge who fails to disqualify himself in such situations creates the appearance of partiality, whether or not the disposition of the case is actually favorable to respondent's client. Matter of Wait v. State Commission on Judicial Conduct, 67 NY2d 15 (1986). The appearance of such impropriety is no less to be condemned than is the impropriety itself. Matter of Spector v. State Commission on Judicial Conduct, 47 NY2d 462, 466 (1979).

By hearing and deciding the cases of his insurance clients, respondent cast doubt on the impartiality of his

decisions and undermined public confidence in the integrity and independence of the judiciary as a whole.

Respondent had a financial interest in the parties since he received commissions from his work on their insurance policies. His disposition of their traffic cases may have directly affected their insurance rates and may have determined whether or not the insurance company canceled their policies. Thus, respondent may have had a substantial interest in the outcome of the court proceedings since, if the policies were canceled, he would no longer receive a commission for servicing them. This conflict tainted his every action in his clients' cases.

In view of the representations of respondent's counsel that respondent now determines whether parties before him are insurance clients and disqualifies himself if they are, the Commission is persuaded that the appearance of partiality will not be repeated.

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

Mrs. Robb, Mr. Bower, Judge Ciparick, Mr. Cleary, Mr. Kovner, Judge Ostrowski and Judge Shea concur.

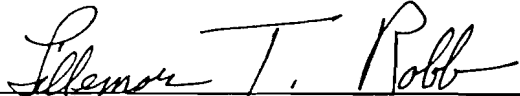
Mrs. DelBello dissents as to sanction only and votes that respondent be removed from office.

Mr. Bromberg, Judge Rubin and Mr. Sheehy 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: May 30, 1986



Lillemor T. Robb, Chairwoman
New York State
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DISSENTING OPINION
BY MRS. DEL BELLO

Respondent should be removed from office because he engaged in clear and serious conflicts of interest. Serving simultaneously as a local judge with jurisdiction over traffic cases and as an agent for a major auto insurance company, he acted on numerous traffic matters with the clients he had insured. I find it incomprehensible that he did not recognize these conflicts. The facts reveal that it was in his best interest that the clients who came before him for a traffic infraction were not convicted. As an agent, dependent solely upon commissions for his business, respondent saw to it that his clients did not lose either their driving privileges or licenses, for such loss would be a loss of his commissions as well.


There was little if any distinction between his two roles. Respondent's insurance personnel were his court personnel. Some court proceedings were conducted in the very office where insurance policies were written for the traffic violators. For

example, respondent reduced three of his clients' Driving While Intoxicated cases; two of them were handled in the privacy of his insurance office.

I cannot accept respondent's professed lack of knowledge of impropriety in his official dealings with his clients. Any responsible person could recognize such a blatant conflict. Certainly, we can expect such basic recognition from a judge entrusted to uphold the highest of standards of conduct.

I vote that respondent be removed from office.

Dated: May 30, 1986


Dolores DelBello, Member
New York State
Commission on Judicial Conduct