

State of New York  
Commission on Judicial Conduct

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

CHARLES R. LEGGETT,

**Determination**

a Justice of the Town Court of  
Chester, Warren County.

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BEFORE: Mrs. Gene Robb, Chairwoman  
Honorable Fritz W. Alexander, II  
David Bromberg, Esq.  
Honorable Richard J. Cardamone  
Dolores DelBello  
Michael M. Kirsch, Esq.  
William V. Maggipinto, Esq.  
Honorable Isaac Rubin  
Honorable Felice K. Shea

APPEARANCES:

Gerald Stern (Jack J. Pivar, Of Counsel) for  
the Commission

Smith, Monroe & Cubley (By Daniel T. Smith)  
for Respondent

The respondent, Charles R. Leggett, a justice of the  
Town Court of Chester, Warren County, was served with a Formal  
Written Complaint dated June 26, 1979, alleging misconduct with  
respect to two traffic cases. Respondent filed an answer dated  
July 12, 1979.

By order dated March 21, 1980, the Commission designated  
the Honorable Raymond Reisler as referee to hear and report pro-  
posed findings of fact and conclusions of law. The hearing was

held on June 16, 1980, and the report of the referee was filed October 2, 1980.

By motion dated November 3, 1980, the administrator of the Commission moved to confirm the referee's report and for a determination that respondent be censured. Respondent filed an answering affidavit dated November 13, 1980, and moved for dismissal of the Formal Written Complaint with a letter of dismissal and caution or, in the alternative, for a determination that respondent be admonished. Oral argument on the motions was waived.

The Commission considered the record of the proceeding on December 17, 1980, and makes the following findings of fact.

1. Respondent serves part-time as town justice and is an attorney permitted to practice law in the State of New York.
2. Charge I: On July 1, 1975, respondent sent a letter on his judicial stationery to Clifton Park Town Court Justice Richard Lips, seeking special consideration on behalf of the defendant, who was charged with speeding, in People v. Gregory Boggia, a case then pending before Judge Lips.
3. Charge II: Between November 18 and November 30, 1976, respondent spoke with Lake George Town Clerk Ralph Brown with respect to People v. Martin L. Chase, a case then pending before Lake George Town Court Justice James Corkland. Thereafter, on November 30, 1976, respondent sent a letter on official stationery to Judge Corkland, seeking special consideration on behalf of the defendant, who was charged with speeding in that case.

By reason of the foregoing, respondent violated Sections 33.1, 33.2, 33.3(a)(1) and 33.3(a)(4) of the Rules Governing Judicial Conduct and Canons 1, 2 and 3A of the Code of Judicial Conduct. Charges I and II of the Formal Written Complaint are sustained and respondent's misconduct is established.

It is improper for a judge to seek to persuade another judge, on the basis of personal or other special influence, to alter or dismiss a traffic ticket. By making ex parte requests of other judges for favorable dispositions for the defendants in two traffic cases, respondent violated the rules and canons enumerated above and engaged in misconduct.

Courts in this and other states, as well as the Commission, have found that favoritism is serious judicial misconduct and that ticket-fixing is a form of favoritism.

As one trained in and permitted to practice the law, respondent should have been especially sensitive to the applicable standards.

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

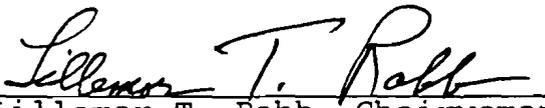
All concur.

#### 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, sub-

division 7, of the Judiciary Law.

Dated: February 25, 1981  
Albany, New York

  
Lillemor T. Robb, Chairwoman  
New York State Commission on  
Judicial Conduct