

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

ANTHONY J. PARIS,

a Judge of Family Court, Onondaga County.

Determination

THE COMMISSION:

Henry T. Berger, Esq., Chair
Jeremy Ann Brown
Stephen R. Coffey, Esq.
Lawrence S. Goldman, Esq.
Christina Hernandez, 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

Rossi & Vavonese (By Emil M. Rossi) for Respondent

The respondent, Anthony J. Paris, a judge of the Onondaga County Family Court, was served on January 28, 1999, with a Formal Written Complaint alleging that he had improperly participated as a guest of honor at a charitable fund-raiser. Respondent filed an answer dated February 10, 1999.

On April 30, 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 admonished and waiving further submissions and oral argument.

On June 3, 1999, the Commission approved the agreed statement and made the following determination.

1. Respondent has been a judge of the Family Court since 1993.
2. Respondent agreed to participate and did participate, with members of his family, as guests of honor at the Bishop Joseph T. O'Keefe Memorial Dinner Dance to benefit the Western Region Catholic Schools Foundation on October 23, 1998. He was aware that this was a fund-raiser for a charity.
3. Respondent participated even though, two days before the event, he had received a letter from Commission staff, inquiring into his involvement in a charitable fund-raiser.

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, 100.2(A) and 100.4(C)(3)(b)(ii). Charge I of the Formal Written Complaint is sustained

insofar as it is consistent with the findings herein, and respondent's misconduct is established.

A judge may not be the speaker or the guest of honor at an organization's fund-raising events. (Rules Governing Judicial Conduct, 22 NYCRR 100.4[C][3][b][ii]). Although a judge may participate in charitable activities, this rule clearly prohibits involvement in fund-raising events of the charity. (Matter of Wolfgang, 1988 Ann Report of NY Commn on Jud Conduct, at 245, 249).

Although a confidential caution is sometimes appropriate for such conduct (see, Matter of Harris, 72 NY2d 335, 337), respondent's misconduct is exacerbated by the fact that he had notice that the Commission was questioning his participation in the fundraiser and did not withdraw (see, Matter of Sims, 61 NY2d 349, 356).

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

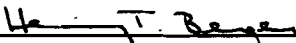
Mr. Berger, Ms. Brown, Mr. Coffey, Mr. Goldman, Ms. Hernandez, Judge Joy, Judge Newton and Mr. Pope concur.

Judge Luciano, Judge Marshall and Judge Salisbury 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: September 16, 1999



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