

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

RONALD R. PULVER,

a Justice of the Kinderhook
Town Court and Valatie Village
Court, Columbia County.

Determination

THE COMMISSION:

Mrs. Gene Robb, Chairwoman
Honorable Fritz W. Alexander, II
John J. Bower, Esq.
David Bromberg, Esq.
E. Garrett Cleary, Esq.
Dolores DelBello
Victor A. Kovner, Esq.
Honorable William J. Ostrowski
Honorable Isaac Rubin
Honorable Felice K. Shea
Carroll L. Wainwright, Jr., Esq.

APPEARANCES:

Gerald Stern (Stephen F. Downs, Of
Counsel) for the Commission

Ronald R. Pulver, Respondent Pro Se

The respondent, Ronald R. Pulver, a justice of the Kinderhook Town and Valatie Village Courts, was served with a Formal Written Complaint dated April 26, 1982, alleging that he presided over four cases from 1978 to 1981 involving his relatives. Respondent did not file an answer.

By motion dated July 20, 1982, the administrator of

the Commission moved for summary determination and a finding that respondent's misconduct was established, pursuant to 22 NYCRR 7000.6(c). Respondent did not oppose the motion. By determination and order dated August 20, 1982, the Commission granted the administrator's motion, found respondent's misconduct established and set a date for oral argument on the issue of sanction. Respondent did not appear for oral argument and sent the Commission a letter indicating his intention to resign. The administrator filed a memorandum in lieu of oral argument. The Commission considered the record of the proceeding on September 16, 1982, and made the following findings of fact.

As to Charge I of the Formal Written Complaint:

1. On April 15, 1978, respondent presided over an arraignment in People v. Charles Pulver, Jr., in which the defendant was charged with burglary in the third degree, notwithstanding that the defendant was his nephew. Respondent failed to keep any record of the arraignment.

As to Charge II of the Formal Written Complaint:

2. Between January 1979 and January 1981, respondent presided over People v. Suzanne Klein, in which the defendant was charged with endangering the welfare of a minor, notwithstanding that the complaining witness in the case, Ruth Pulver, was respondent's sister-in-law, and notwithstanding that the minor whose welfare was at issue was respondent's niece.

As to Charge III of the Formal Written Complaint:

3. On January 17, 1979, respondent presided over People v. Charles Pulver, Jr., in which the defendant was charged with criminal trespass in the second degree, notwithstanding that the defendant was his nephew. Respondent dismissed the charges and failed to keep any record of the proceeding.

As to Charge IV of the Formal Written Complaint:

4. On March 12, 1980, respondent presided over People v. Charles Pulver, Jr., in which the defendant was charged with assault in the third degree, notwithstanding that the defendant was his nephew. Respondent reduced the charges against the defendant to harassment and imposed a \$50 fine against him.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Section 14 of the Judiciary Law, Sections 2019 and 2019-a of the Uniform Justice Court Act, Sections 105.1 and 105.3 of the Recordkeeping Requirements for Town and Village Courts, Sections 100.1, 100.2, 100.3(a)(1) and 100.3(c)(1) of the Rules Governing Judicial Conduct and Canons 1, 2, 3A(1) and 3C(1) of the Code of Judicial Conduct. Charges I through IV of the Formal Written Complaint are sustained and respondent's misconduct is established.

An independent, impartial judiciary is essential for the fair and proper administration of justice. It is improper

for a judge to preside over cases involving relatives within six degrees of consanguinity or affinity. To do so would violate Section 14 of the Judiciary Law and Section 100.3(c)(1) of the Rules Governing Judicial Conduct, which require the judge's disqualification in such circumstances.

By presiding over cases involving his nephew, sister-in-law and niece, and by violating the relevant ethical provisions cited above, respondent irreparably diminished public confidence in the integrity and impartiality of his court and has demonstrated his unfitness for judicial office.

Respondent compounded the seriousness of his misconduct by failing to keep proper records of the cases at issue, despite the mandates of law and the rules relevant to town and village court administration. Such misconduct suggests a deliberate attempt by respondent to conceal what he knew to be improper conduct. We are not persuaded by respondent's assertion that he merely forgot to keep certain records (Charges I and IV) or that he had no recollection of the case involving the allegedly endangered welfare of his niece.

By reason of the foregoing, the Commission determines that respondent should be removed from office.

This determination is made pursuant to Section 47 of the Judiciary Law in view of respondent's recent resignation.

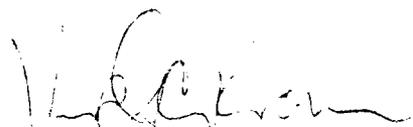
Mrs. Robb, Judge Alexander, Mr. Bower, Mr. Bromberg, Mr. Cleary, Mr. Kovner, Judge Ostrowski, Judge Shea and Mr. Wainwright concur.

Mrs. DelBello and Judge Rubin 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: November 12, 1982



Victor A. Kovner, Esq.
New York State Commission on
Judicial Conduct