

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

THOMAS A. REED,

a Justice of the Town Court of
Pleasant Valley, Dutchess County.

Determination

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

APPEARANCES:

Gerald Stern (Barry M. Vucker, Of Counsel)
for the Commission

Bernard Kessler for Respondent

The respondent, Thomas A. Reed, a justice of the Town Court of Pleasant Valley, Dutchess County, was served with a Formal Written Complaint dated April 16, 1979, alleging misconduct with respect to three traffic cases. Respondent filed an answer dated June 26, 1979.

By order dated December 7, 1979, the Commission designated Barbara L. Kaiser, Esq., as referee to hear and report proposed findings of fact and conclusions of law. The hearing

was held on February 14, 1980, and the report of the referee was filed on July 15, 1980.

By motion dated September 8, 1980, the administrator of the Commission moved to confirm the report of the referee and for a determination that respondent be admonished. Respondent did not oppose the motion. Oral argument was waived.

The Commission considered the record of this proceeding on October 30, 1980. The report of the referee is confirmed. The claim interposed by respondent's answer alleging that the Commission exceeded its authority during the investigation of this matter is without merit and therefore is dismissed. Respondent's objection at the hearing to the introduction of certain documents is without merit and therefore is overruled. Respondent's objection at the hearing to the entire proceeding is without merit and also is overruled. The Commission makes the following findings of fact.

1. Respondent serves part-time as justice of the Town Court of Pleasant Valley. Respondent is also an attorney permitted to practice law in this state.

2. On June 21, 1974, respondent sent a letter on court stationery to Justice Morgan Bloodgood of the Town Court of Malta, seeking special consideration on behalf of the defendant, who was charged with speeding, in People v. Walter Klein, a case then pending before Judge Bloodgood. Respondent's letter identified the defendant as a "close personal friend and client" and specifically requested reduction of the speeding charge to a no-point violation.

On July 17, 1974, respondent sent a second letter on court stationery to Judge Bloodgood, thanking him for the consideration shown to the defendant.

3. On March 21, 1974, respondent sent a letter on court stationery to Justice Joseph Thomson of the Town Court of Cornwall, seeking special consideration on behalf of the defendant, who was charged with speeding, in People v. Robert J. Lama, a case then pending before Judge Thomson. Respondent's letter identified the defendant as a "close personal friend" and specifically requested reduction of the speeding charge to a non-moving violation. On April 9, 1974, respondent sent a second letter on court stationery to Judge Thomson, thanking him for the consideration shown to the defendant.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 33.1, 33.2, 33.3(a)(1) and 33.3(a)(4) of the Rules Governing Judicial Conduct. Charges I and II of the Formal Written Complaint are sustained and respondent's misconduct is established.

Charge III of the Formal Written Complaint is not sustained and therefore is dismissed.

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. A judge who accedes to such a request is guilty of favoritism, as is the judge who made the request. By making ex parte requests of other judges for favorable dispositions for defendants in traffic cases, respondent violated the Rules enumerated above.

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.

Respondent's contention is unpersuasive that he inadvertently used court stationery instead of his legal stationery in sending the letters in question. As one who is trained in and practices law, respondent must be particularly sensitive to the applicable ethical provisions incumbent on a judge.

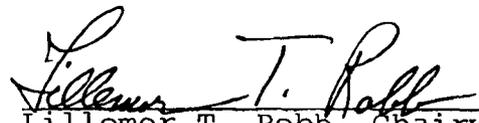
By reason of the foregoing, the Commission determines that the appropriate sanction is admonition.

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, subdivision 7, of the Judiciary Law.

Dated: February 11, 1981
Albany, New York


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