

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**

JAMES H. RICHARDSON,

a Justice of the Village Court of  
Waterloo, Seneca County.

---

BEFORE: Mrs. Gene Robb, Chairwoman  
Honorable Fritz W. Alexander, II  
David Bromberg, Esq.  
E. Garrett Cleary, Esq.  
Dolores DelBello  
Michael M. Kirsch, Esq.  
Victor A. Kovner, Esq.  
Honorable Isaac Rubin  
Honorable Felice K. Shea  
Carroll L. Wainwright, Jr., Esq.

APPEARANCES:

Gerald Stern (John W. Dorn, Of Counsel)  
for the Commission

Charles E. Shaffer for Respondent

The respondent, James H. Richardson, a justice of the Village Court of Waterloo, Seneca County, was served with a Formal Written Complaint dated January 28, 1981, charging him with intemperate and otherwise injudicious behavior in connection with his arrest for driving while intoxicated in April 1977. Respondent filed an answer dated February 16, 1981.

By order dated March 5, 1981, the Commission designated

the Honorable Harold A. Felix referee to hear and report proposed findings of fact and conclusions of law. The hearing was held on April 7 and 8, 1981, and the referee filed his report to the Commission on June 23, 1981.

By motion dated September 3, 1981, the administrator of the Commission moved to confirm the referee's report and for a determination that respondent be censured. Respondent opposed the administrator's motion on October 8, 1981, and cross-moved for dismissal of the Formal Written Complaint or, in the alternative, for a determination that respondent be admonished. Oral argument was waived.

The Commission considered the record of this proceeding on October 27, 1981, and made the following findings of fact:

1. On April 4, 1977, at approximately 2:00 A.M., Seneca Falls Village Police Sergeant Louis Van Cleef and Officer Steven Manino stopped a motor vehicle driven by respondent and charged respondent with driving in excess of the 30 mph speed limit on Falls Street in Seneca Falls and driving while intoxicated.

2. At the time of arrest, respondent made derogatory remarks to Sergeant Van Cleef about Officer Manino, referring to Officer Manino as a "little pisspot" and stating that "he never should have been a cop to begin with". Respondent's remarks were heard by Officer Manino.

Upon the foregoing findings of fact, the Commission con-

cludes as a matter of law that respondent violated Sections 33.1 and 33.5(a) of the Rules Governing Judicial Conduct and Canons 1 and 5A of the Code of Judicial Conduct. Paragraphs 4 and 5b of the Formal Written Complaint are sustained and respondent's misconduct is established. Paragraphs 5a, 5c and 5d of the Formal Written Complaint are not sustained and therefore are dismissed.

Respondent's operation of a motor vehicle in such a condition as to result in a charge of driving while intoxicated, and his derogatory remarks about one of the police officers who effected his arrest, demonstrated a failure to observe the high standards of conduct required of a judge and detracted from the dignity of his office.

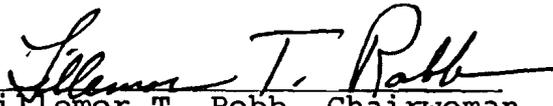
By reason of the foregoing, the Commission determines that respondent should be admonished.

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: December 8, 1981

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