

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

ANGELO D. RONCALLO,

a Justice of the Supreme Court,
Tenth Judicial District (Nassau County).

THE COMMISSION:

Mrs. Gene Robb
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 (Robert Straus, Of
Counsel) for the Commission

Irving A. Cohn for Respondent

The respondent, Angelo D. Roncallo, a justice of the
Supreme Court, Tenth Judicial District (Nassau County), was served
with a Formal Written Complaint dated April 5, 1982, alleging
inter alia that he failed to disqualify himself in a 1979 pro-
ceeding in which his impartiality reasonably might be questioned.

On May 28, 1982, respondent, his counsel and the Commission's administrator entered into an agreed statement of facts pursuant to Section 44, subdivision 5, of the Judiciary Law, waiving the hearing authorized by Section 44, subdivision 4, of the Judiciary Law, and stipulating that the Commission make its determination on the agreed-upon facts. The Commission approved the agreed statement of facts and, on September 16, 1982, heard oral argument on the issues herein. Respondent's counsel appeared for oral argument. Thereafter the Commission considered the record of the proceeding and made the following findings of fact.

1. On January 12, 1979, respondent, while assigned to Special Term, Part I, of the Supreme Court, Nassau County, issued a memorandum decision in Worthley et al. v. Williams et al., dismissing the plaintiffs' complaint, notwithstanding the following:

(a) The plaintiffs in Worthley alleged and based their request for relief on the claim that the Nassau County system of insurance commission-sharing was illegal and improper. Respondent had personal knowledge of and participated in the same insurance commission-sharing system at issue in the suit.

(b) Between 1968 and 1972, respondent received payments totalling \$8,030 from an insurance agency which, as broker of record for Nassau County, participated in the aforementioned insurance commission-sharing system. That insurance agency, after changing its name to Richard B. Williams & Son, Inc., continued to participate in the aforementioned insurance commission-sharing system as broker of record for Nassau County and was a defendant in the Worthley case.

(c) Respondent had prior political, business and close personal relationships with several of the defendants in the Worthley case.

(d) Respondent submitted the names of persons and organizations who were to be designated to share in the commissions produced by the aforementioned insurance commission-sharing system. Respondent knew or had reason to know that such persons or organizations were among those named as defendants in the Worthley case.

(e) Respondent failed to disclose to the plaintiffs or their attorneys any of the facts or circumstances set forth in subparagraphs (a) through (d) above.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(a) and 100.3(c)(1) of the Rules Governing Judicial Conduct and Canons 1, 2A and 3C(1) of the Code of Judicial Conduct. The charge in the Formal Written Complaint is sustained and respondent's misconduct is established.

Public confidence in the integrity of the courts requires that a judge preside over legal disputes in a fair and impartial manner.

Respondent's conduct was plainly improper. When a matter came before him concerning the propriety of a commission-sharing practice in which he himself had participated, involving defendants with whom he was associated either professionally or personally,

respondent was required by specific Rule to disqualify himself (Section 100.3[c][1] of the Rules). His failure to do so, and his failure to disclose these facts to the parties, clearly impaired the integrity of the judicial process. Such misconduct threatens public confidence in the impartiality of the judiciary.

We note that respondent admits that his conduct was improper.

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

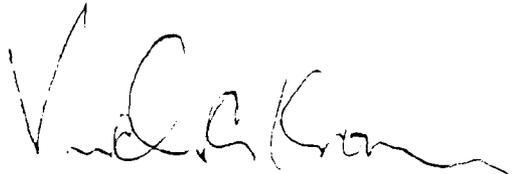
Mrs. Robb, Judge Alexander, Mr. Bower, Mr. Bromberg, Mr. Cleary, Mr. Kovner, Judge Ostrowski, Judge Shea and Mr. Wainwright concur.

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