

STATE OF NEW YORK
STATE COMMISSION ON JUDICIAL CONDUCT

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: In the Matter :
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: - of - :
: :
: Rexford Schneider, : DETERMINATION
: :
: a Justice of the Town of :
: New Paltz, County of Ulster :
: :
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JUDICIAL CONDUCT

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State Commission on Judicial Conduct
801 Second Avenue
New York, New York 10017

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DETERMINATION OF THE
STATE COMMISSION ON JUDICIAL CONDUCT
IN THE MATTER OF NEW PALTZ
TOWN JUSTICE REXFORD SCHNEIDER

PRELIMINARY STATEMENT

This Determination of the State Commission on Judicial Conduct (hereinafter the "Commission") is submitted in accordance with Article VI, Section 22k, of the Constitution of the State of New York, and Article 2-A of the Judiciary Law, for transmittal by the Chief Judge of the Court of Appeals to the Honorable Rexford Schneider.

Rexford Schneider is a justice of the Town Court of New Paltz, Ulster County. He first took office in March 1965. His current term of office expires in December 1979.

Pursuant to Section 43, subdivision 2, of the Judiciary Law, the present investigation of Judge Schneider commenced on May 25, 1977. In the course of its investigation, the Commission discovered eight instances in which Judge Schneider made ex parte requests of other judges for favorable dispositions for defendants in traffic cases and one instance in which Judge Schneider granted a favorable disposition to a defendant in a traffic case pursuant to a request from a third party.

JUSTICE SCHNEIDER'S REQUESTS FOR FAVORABLE DISPOSITIONS
FOR DEFENDANTS IN TRAFFIC CASES

Sometime between September 5, 1971 and May 14, 1974,

Judge Schneider or someone under his control sent a letter to Judge Wayne Smith of the Town Court of Plattekill, requesting favorable treatment for the defendant, who was charged with failure to yield the right of way, in People v. Leroy A. Smith, a case then pending before Judge Smith.

On or about May 10, 1973, Judge Schneider or someone under his control sent a letter on official court stationery to the Town Court of East Fishkill, requesting favorable treatment for the defendant, who was charged with speeding, in People v. Signorino Longhitano, a case then pending in the Town Court of East Fishkill.

On or about May 10, 1973, Judge Schneider or someone under his control sent a letter on official court stationery to the Town Court of Newburgh, requesting favorable treatment for the defendant, who was charged with driving with unapproved goggles, in People v. Terry Smith, a case then pending in the Town Court of Newburgh.

On or about May 10, 1973, Judge Schneider or someone under his control sent a letter on official court stationery to Judge Joseph Thomson of the Town Court of Cornwall, requesting favorable treatment for a defendant in a case then pending before Judge Thomson.

Sometime between February 15, 1974, and April 18, 1974, Judge Schneider sent a letter on official court stationery to the

Town Court of New Windsor, requesting favorable treatment for the defendant, who was charged with passing a red light, in People v. David J. Havranek, a case then pending in the Town Court of New Windsor.

Sometime between July 1, 1975, and March 17, 1977, Judge Schneider sent a letter on official court stationery to Judge Joseph Thomson of the Town Court of Cornwall, requesting favorable treatment for the defendant, who was charged with speeding, in People v. Lois A. Amendola, a case then pending before Judge Thomson.

On or about March 15, 1976, Judge Schneider or someone under his control sent a letter on official court stationery to Judge Harold Lipton of the Town Court of Rochester on behalf of the defendant, who was charged with speeding, in People v. John C. Buonamano, a case then pending before Judge Lipton. In the letter reference was made to a prior communication regarding the Buonamano case requesting Judge Lipton to impose an unconditional discharge for the defendant.

On or about August 9, 1974, Judge Schneider or someone under his control sent a letter on official court stationery to Judge Wayne Smith of the Town Court of Plattekill, requesting favorable treatment for the defendant, who was charged with speeding, in People v. Ferdinand Croce, a case then pending before Judge Smith.

JUSTICE SCHNEIDER'S GRANT OF A FAVORABLE DISPOSITION
TO A DEFENDANT IN A TRAFFIC CASE

On or about August 15, 1974, Judge Schneider or someone under his control reduced a charge of speeding to driving with unsafe tires in People v. Henry Leak as a result of a letter he received on behalf of the defendant from New York State Assemblyman H. Clark Bell.

JUSTICE SCHNEIDER'S WAIVER OF A SCHEDULED
HEARING BEFORE THE COMMISSION

The Commission sent Judge Schneider a letter dated July 8, 1977, asking him to comment on his requests for favorable treatment in the Longhitano and T. Smith cases. Pursuant to Section 43, subdivision 3, of the Judiciary Law, the Commission requested Judge Schneider's appearance before a panel of Commission members, by letter dated August 15, 1977, to testify on these and other cases. On August 24, 1977, Judge Schneider testified before the Commission on his requests for favorable treatment in the cases noted above, in one case where the defendant is unknown, and in the L. Smith, Havranek, Amendola, Buonamano and Croce cases. Judge Schneider further testified on his granting of favorable treatment in the Leak case. Judge Schneider acknowledged making the requests in the Havranek and Amendola cases but denied both making requests in the other six cases and granting the disposition in the Leak case. Judge Schneider stated that he "assumes" that the six denied requests were written and signed without his authority by

his daughter, Cynthia Schneider, who at the time was employed as his clerk. According to the judge's testimony, the one grant appears to have been similarly disposed of by his daughter. In his testimony, Judge Schneider acknowledged having made three additional requests, which were not the subject of charges, to town justices on behalf of traffic offenders.

Pursuant to Section 43, subdivision 5, of the Judiciary Law, the Commission determined that cause existed to conduct a hearing with respect to the judge's apparent conduct in the previously cited cases. On November 25, 1977, Judge Schneider was served with a Notice of Hearing and a Formal Written Complaint detailing the factual allegations in the nine cases noted above. In a reply letter dated December 1, 1977, to the Commission, Judge Schneider admitted having made requests in the Havranek and Amendola cases, but denied the seven other charges. In a subsequent letter dated January 9, 1978, to the Commission, Judge Schneider waived his right to a hearing and requested that the transcript of his August 24, 1977, testimony be considered as part of his Answer.

CONCLUSION

By making ex parte requests of other judges for favorable dispositions for defendants in traffic cases and by granting a favorable disposition to a defendant in a traffic case at the request of a third party, Judge Schneider was in violation of Sections 33.1,

33.2, 33.3(a)(1) and 33.3(a)(4) of the Rules Governing Judicial Conduct of the Administrative Board of the Judicial Conference, and Canons 1, 2 and 3A of the Code of Judicial Conduct, which read in part as follows:

Every judge...shall himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. [Section 33.1]

A judge shall respect and comply with the law and shall conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. [Section 33.2(a)]

No judge shall allow his family, social or other relationships to influence his judicial conduct or judgment. [Section 33.2(b)]

No judge...shall convey or permit others to convey the impression that they are in a special position to influence him.... [Section 33.2(c)]

A judge shall be faithful to the law and maintain professional competence in it.... [Section 33.3(a)(1)]

A judge shall...except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceedings.... [Section 33.3(a)(4)]

DETERMINATION

By reason of the foregoing, in accordance with Article VI, Section 22k, of the Constitution of the State of New York, and Section 43, subdivision 7, of the Judiciary Law, the State Commission on Judicial Conduct has determined that Judge Schneider should be publicly censured.

Respectfully submitted,

State Commission on Judicial
Conduct

Dated: February 16, 1978
New York, New York

APPEARANCES:

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

Rexford Schneider, *Pro Se*