

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

SUSAN A. STAFFORD,

Determination

a Justice of the Newfield Town
Court, Tompkins County.

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 (Cody B. Bartlett, Of
Counsel) for the Commission

Susan A. Stafford, Respondent Pro Se

The respondent, Susan A. Stafford, a justice of the Newfield Town Court, Tompkins County, was served with a Formal Written Complaint dated April 28, 1982, alleging inter alia that she failed to discharge her judicial duties for 16 months and failed to cooperate with state agencies inquiring into her conduct. Respondent did not file an answer.

By motion dated July 23, 1982, the administrator of the Commission moved for summary determination and a finding that respondent's misconduct was established. 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 or submit a memorandum in lieu thereof. The administrator filed a memorandum in lieu of oral argument. The Commission considered the record of this proceeding on September 16, 1982, and made the following findings of fact.

As to Charge I of the Formal Written Complaint:

1. Respondent took office as Newfield town justice on January 1, 1980. Since that date she has presided over one arraignment, conducted in April 1980. Respondent has presided over no other arraignments, trials or other proceedings and has otherwise failed to carry out virtually all her judicial duties.

As to Charge II of the Formal Written Complaint:

2. Respondent did not file required monthly reports with the State Comptroller from January 1980 to November 1980. Respondent's reports for this period were filed on December 17, 1980. Since that date, respondent has failed to file any of the required monthly reports. Since January 1980 respondent has failed to respond to inquiries from the Department of Audit and Control with respect to such unfiled reports. In addition,

respondent failed to reply to letters dated October 24 and December 15, 1980, from the Director of Administration of the Courts for the Third Judicial Department, concerning the unanswered inquiries made by the Department of Audit and Control. The State Comptroller, pursuant to law, stopped payment of respondent's salary for her failure to file the required reports.

As to Charge III of the Formal Written Complaint.

3. Respondent failed to respond to letters dated March 9, April 3 and April 15, 1981, sent from this Commission to respondent pursuant to Section 44, subdivision 3, of the Judiciary Law, in the course of a duly authorized investigation of the matters herein. Respondent failed to appear for testimony before a member of the Commission during the investigation of this matter, despite being duly requested to do so pursuant to Section 44, subdivision 3, of the Judiciary Law, by letter dated May 1 and personally served on May 4, 1981. In so doing, respondent failed to cooperate with the Commission.

As to Charge IV of the Formal Written Complaint:

4. From January 1, 1980, to the commencement of this proceeding, respondent failed to file with the Office of Court Administration her oath of office, questionnaire and bank account statement, as required. In this period respondent did not reply to inquiries from the Office of Court Administration with respect thereto. In addition, respondent did not reply to letters dated February 2 and February 26, 1982, from the administrative judge of the Sixth Judicial District (in which respondent's court is

located), concerning the unanswered inquiries made by the Office of Court Administration.

As to Charge V of the Formal Written Complaint:

5. Respondent was admitted to the New York State bar in 1978. On October 9, 1981, she was suspended indefinitely from the practice of law by the Appellate Division, for her failure to appear pursuant to an order of the court during a duly authorized inquiry commenced by the committee on grievances. From October 9, 1981, to the commencement of this proceeding, respondent did not complete a course of training required of all non-lawyer town and village justices by statute and court rules.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Section 105 of the Uniform Justice Court Act, Section 31 of the Town Law, Section 17.2 of the Judicial Education and Training Rules of the Chief Judge (formerly Section 30.6 of the Uniform Justice Court Rules), Sections 100.1, 100.2(a), 100.3(a)(1) and 100.3(b)(1) of the Rules Governing Judicial Conduct and Canons 1, 2A and 3B(1) of the Code of Judicial Conduct. Charges I through V of the Formal Written Complaint are sustained and respondent's misconduct is established.

The record of this proceeding reveals respondent's gross neglect of judicial duties. Her failure to do anything

more than preside over one arraignment in 28 months, her failure to fulfill a variety of required administrative responsibilities and her repeated, continuing failure to respond to inquiries from several state agencies evince an indifference to both the obligations of her judicial office. Such conduct warrants removal from office. Cooley v. State Commission on Judicial Conduct, 53 NY2d 64 (1981); Petrie v. State Commission on Judicial Conduct, 54 NY2d 807 (1981).

Judicial office, voluntarily assumed, obliges those who hold it to discharge their duties faithfully and conscientiously. Public confidence in the courts and judiciary requires no less. Respondent's conduct and the related suspension of her license to practice law have irreparably diminished public confidence in her court.

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

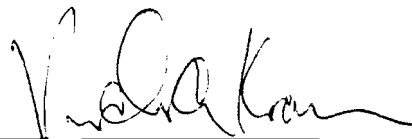
Mrs. Robb, Judge Alexander, Mr. Bower, Mr. Bromberg, Mr. Cleary, Mr. Kovner, Judge Ostrowski, Judge Shea and Mr. Wainwright concur.

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