

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

LAURA D. STIGGINS,

DETERMINATION

a Justice of the Dansville Town Court, Steuben
County.

THE COMMISSION:

Honorable Eugene W. Salisbury, Chairman
Henry T. Berger, Esq.
Jeremy Ann Brown, C.A.S.A.C.
Stephen R. Coffey, Esq.
Lawrence S. Goldman, Esq.
Christina Hernandez, M.S.W.
Honorable Daniel W. Joy
Honorable Daniel F. Luciano
Honorable Frederick M. Marshall
Alan J. Pope, Esq.
Honorable Terry Jane Ruderman

APPEARANCES:

Gerald Stern (John J. Postel, Of Counsel) for the Commission

Urbanski & Flynn (By Kevin P. Flynn) for Respondent

The respondent, Laura D. Stiggins, a justice of the Dansville Town Court,
Steuben County, was served with a Formal Written Complaint dated February 11, 2000,

alleging that respondent physically abused a mentally incompetent patient in a nursing home and, as a result of her actions, was convicted of two misdemeanors.

By motion dated April 12, 2000, the administrator of the Commission moved for summary determination, pursuant to Section 7000.6(c) of the Commission's operating procedures and rules (22 NYCRR 7000.6[c]). Respondent opposed the motion in papers dated April 27, 2000. By Decision and Order dated May 19, 2000, the Commission granted the administrator's motion.

The administrator filed a memorandum as to sanctions. Respondent did not file any papers and did not request oral argument.

On June 22, 2000, the Commission considered the record of the proceeding and made the following findings of fact.

1. Respondent has been a justice of the Dansville Town Court since 1993.
2. In 1998, respondent was employed as a licensed practical nurse at the Livingston County Campus Skilled Nursing Facility, a residential health care facility located in Mount Morris.
3. On or about January 25, 1998, respondent physically abused Rosella Carpenter, a patient of the facility who was unable to care for herself due to dementia, by throwing Ms. Carpenter onto the arm of a Geri-Chair, thereby causing a fractured rib.

4. On March 31, 1999, respondent was convicted after a jury trial in the Mount Morris Town Court of Assault, Third Degree, a violation of Section 120.00 of the Penal Law, and Endangering The Welfare Of An Incompetent Person, a violation of Section 260.25 of the Penal Law, in connection with her conduct toward Ms. Carpenter on or about January 25, 1998. Respondent received a sentence of three years probation and 200 hours of community service.

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

Respondent's conduct, as established in the criminal matter which resulted in her conviction of Assault, Third Degree and Endangering The Welfare Of An Incompetent Person, clearly violated the high standards of conduct required of every judge and demonstrates her lack of fitness for judicial office.

On or off the bench, a judge remains "clothed figuratively with his black robe of office devolving upon him standards of conduct more stringent than those acceptable for others." Matter of Kuehnel v. State Comm. on Judicial Conduct, 49 NY2d 465, 469 (1980). Every judge is required to observe high standards of conduct and to conduct himself or herself in a manner that promotes public confidence in the integrity of

the judiciary (Sections 100.1 and 100.2[A] of the Rules Governing Judicial Conduct).

Any conduct, on or off the bench, “inconsistent with proper judicial demeanor subjects the judiciary as a whole to disrespect and impairs the usefulness of the individual judge to carry out his or her constitutionally mandated function.” Matter of Kuehnel, *supra*.

By physically abusing a mentally incompetent patient in a nursing home, respondent engaged in conduct that is unacceptable by any standard. Such behavior, reprehensible when committed by any individual, is intolerable in one who holds a position of public trust. Matter of Benjamin v. State Comm. on Judicial Conduct, 77 NY2d 296 (1991).

While respondent has been punished for her conduct by the court of law in which she was convicted, it is also imperative for the Commission to act. As a judge, respondent has jurisdiction over the misdemeanor charges of which she was convicted. Respondent’s conduct and her subsequent conviction seriously undermine her ability to administer the law effectively and impartially. By her actions, respondent has demonstrated that she is unfit for judicial office.

By reason of the foregoing, the Commission determines that the appropriate sanction is removal from office.

Judge Salisbury, Mr. Berger, Ms. Brown, Mr. Coffey, Mr. Goldman, Ms. Hernandez, Judge Joy, Judge Luciano, Judge Marshall and Judge Ruderman concur.

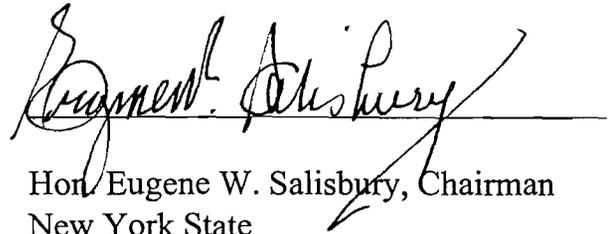
Mr. Pope was not present.

CERTIFICATION

It is certified that the foregoing is the determination of the State

Commission on Judicial Conduct.

Dated: August 18, 2000

A handwritten signature in black ink, appearing to read "Eugene W. Salisbury", is written over a horizontal line. The signature is cursive and somewhat stylized.

Hon. Eugene W. Salisbury, Chairman
New York State
Commission on Judicial Conduct