

**STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT**

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

**JOHN L. TAFT,**

**STIPULATION**

A Justice of the Southport Town Court,  
Chemung County.

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Subject to the approval of the Commission on Judicial Conduct

("Commission"):

**IT IS HEREBY STIPULATED AND AGREED** by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission on Judicial Conduct ("Commission"), the Honorable John L. Taft ("respondent"), and his attorney, Bryan J. Maggs, Esq., as follows.

1. Respondent has served as a Justice of the Southport Town Court since 1986. He is not an attorney. His current term of office expires on December 31, 2009.

2. On January 8, 2008, respondent was served by the Commission with a Formal Written Complaint which alleged that in or about December 2003 respondent: failed to disqualify himself in *People v. Mark D. Gibson*, in which the defendant had been charged with Speeding, notwithstanding that the defendant had been a physician for respondent and other members of his family; initiated an *ex parte* telephone conversation with the defendant prior to his return date; *sua sponte* granted an Adjournment in

Contemplation of Dismissal (“ACD”); and thereby violated various provisions of the Rules Governing Judicial Conduct. A copy of the Formal Written Complaint is appended hereto as Exhibit A.

3. Respondent submitted an Answer in which he admitted the specifically alleged facts of the Formal Written Complaint, but denied that his actions constituted a violation of any of the Rules Governing Judicial Conduct. A copy of the Answer is appended hereto as Exhibit B.

4. Had this matter proceeded to a hearing, respondent intended to assert as part of his defense that, following his *ex parte* discussion with the defendant, he initiated a telephone discussion with Chemung County Assistant District Attorney Anna Guardino, during which he described the charge and proposed disposition and obtained Ms. Guardino’s consent to the disposition.

5. On April 11, 2008, respondent submitted a letter of resignation from judicial office to the Southport Town Clerk and the Office of Court Administration, indicating that he would leave office effective June 1, 2008. A copy of respondent’s letter is appended hereto as Exhibit C.

6. Pursuant to Section 47 of the Judiciary Law, the Commission’s jurisdiction over a judge continues for 120 days after resignation from office.

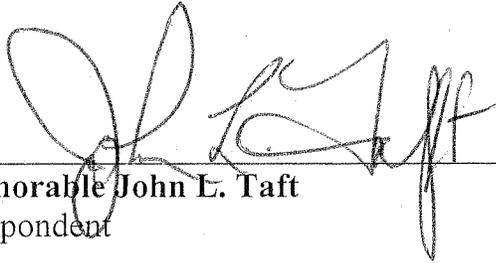
7. Respondent affirms that he will neither seek nor accept judicial office in the future.

8. All the parties to this Stipulation respectfully request that the

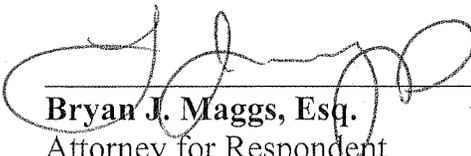
Commission close the pending matter based upon this Stipulation without adjudication of the charges or defenses thereto.

9. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law to the limited extent that this Stipulation will be made public if accepted by the Commission.

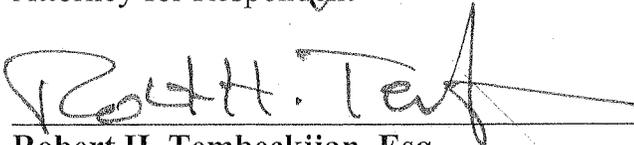
Dated: 4-11-2008

  
\_\_\_\_\_  
**Honorable John E. Taft**  
Respondent

Dated: 4/11/2008

  
\_\_\_\_\_  
**Bryan J. Maggs, Esq.**  
Attorney for Respondent

Dated: 4/15/2008

  
\_\_\_\_\_  
**Robert H. Tembeckjian, Esq.**  
Administrator & Counsel to the Commission  
(John J. Postel, Of Counsel)

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

**JOHN L. TAFT,**

A Justice of the Southport Town Court,  
Chemung County.

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**NOTICE OF FORMAL  
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, John L. Taft, a Justice of the Southport Town Court, Chemung County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon respondent the annexed Formal Written Complaint; and that, in accordance with said statute, respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Rochester office, 400 Andrews Street, Rochester, New York 14604, with his verified Answer to the specific paragraphs of the Complaint.

Dated: New York, New York  
January 2, 2008

**ROBERT H. TEMBECKJIAN**  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway  
New York, New York 10006  
(212) 809-0566

To: Weeden A. Wetmore, Esq.  
Davidson & O'Mara, P.C.  
243 Lake Street  
Elmira, New York 14901-3192

**EXHIBIT A**

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

**JOHN L. TAFT,**

**FORMAL  
WRITTEN COMPLAINT**

A Justice of the Southport Town Court,  
Chemung County.

-----X

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct ("Commission"), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon John L. Taft ("respondent"), a Justice of the Southport Town Court, Chemung County.

3. The factual allegations set forth in Charge I state acts of judicial misconduct by respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").

4. Respondent has been a Justice of the Southport Town Court since 1986. He is not an attorney.

**CHARGE I**

5. In or about December 2003, in *People v. Mark D. Gibson*, in which the defendant had been charged with Speeding, respondent (A) failed to disqualify

himself, notwithstanding that the defendant had been a physician for respondent and other members of his family, (B) initiated an *ex parte* telephone conversation with the defendant prior to his return date and (C) *sua sponte* granted an Adjournment in Contemplation of Dismissal (“ACD”).

Specifications to Charge I

6. On or about December 1, 2003, Mark D. Gibson was charged by Simplified Traffic Information with Speeding (71 mph in a 55 mph zone) on Route 328 in the Town of Southport. Mr. Gibson’s appearance date was set for December 18, 2003. Respondent was the judge scheduled to preside on December 18, 2003.

7. Mark D. Gibson is a physician licensed to practice medicine in New York with a specialty in Orthopedics.

8. Respondent had personally known Dr. Gibson since in or about 1993. Over the years, Dr. Gibson had personally treated respondent and members of his family.

9. On or about December 15, 2003, respondent called Dr. Gibson to discuss the Speeding charge. Dr. Gibson had already submitted a guilty plea by mail but it had not yet been received by the court.

10. Respondent questioned Dr. Gibson about the circumstances surrounding the issuance of the Speeding ticket. Dr. Gibson indicated that there were no exigent circumstances and admitted that he was driving too fast.

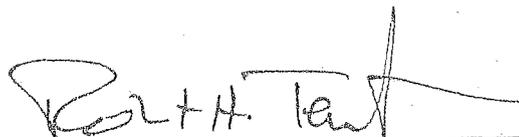
11. Respondent advised Dr. Gibson that he would grant him an ACD that would result in a dismissal of the ticket six months later if Dr. Gibson was not issued another traffic ticket. Dr. Gibson agreed to that disposition.

12. On or about June 16, 2006, respondent dismissed Dr. Gibson's Speeding ticket.

13. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules and lent the prestige of judicial office to advance the private interest of another, in violation of Section 100.2(C) of the Rules; and failed to perform the duties of judicial office impartially and diligently in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, engaged in an improper *ex parte* communication, in violation of Section 100.3(B)(6) of the Rules, failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned, in violation of Section 100.3(E)(1) of the Rules, and failed to disqualify himself in a proceeding in which he had a personal bias or prejudice concerning a party, in violation of Section 100.3(E)(1)(a)(i).

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: January 2, 2008  
New York, New York

A handwritten signature in black ink, appearing to read "R. H. Tembeckjian", written over a horizontal line.

**ROBERT H. TEMBECKJIAN**  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway  
New York, New York 10006  
212-809-0566

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

-----X  
In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

JOHN L. TAFT,

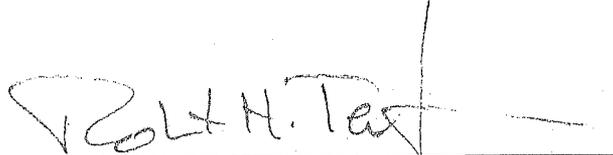
VERIFICATION

A Justice of the Southport Town Court,  
Chemung County.  
-----X

STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF NEW YORK        )

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.

  
\_\_\_\_\_  
Robert H. Tembeckjian

Sworn to before me this  
2nd day of January 2008

  
\_\_\_\_\_  
Notary Public

KAREN KOZAC  
NOTARY PUBLIC, State of New York  
No. 02KO6171500  
Qualified in Westchester County  
Commission Expires July 23, 20 11

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding Pursuant to  
Section 44, subdivision 4, of the Judiciary  
Law in Relation to

ANSWER

JOHN L. TAFT,

A Justice of the Southport Town Court,  
Chemung County.

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Respondent, JOHN L. TAFT, by his attorneys, Davidson & O'Mara, P.C., answers the  
Complaint as follows:

1. Admits those allegations of the Formal Written Complaint contained in Paragraphs numbered "1", "4", "6", "8", "9", "10", "11" and "12".
2. Admits, upon information and belief, those Paragraphs numbered "2" and "7" of the Formal Written Complaint.
3. Denies those allegations contained in Paragraphs numbered "3", "5" and "13" of the Formal Written Complaint.

**AS AND FOR A FIRST AFFIRMATIVE  
DEFENSE, RESPONDENT SHOWS TO  
THE COURT AND ALLEGES:**

4. Upon information and belief, the evidence will show that the alleged conduct was neither improper nor unethical, nor in any way a violation of the Rules of Judicial Conduct.

**AS AND FOR A SECOND AFFIRMATIVE  
DEFENSE, RESPONDENT SHOWS TO  
THE COURT AND ALLEGES:**

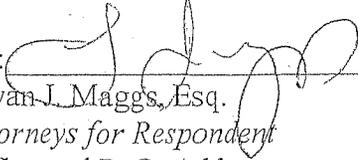
5. Upon information and belief, the Formal Written Complaint misstates, through omission, several important, relevant and pertinent facts regarding communication, authority

and conduct by and between the Judge, District Attorney's office, and Dr. Mark Gibson with respect to handling and disposition of the traffic ticket. Upon information and belief, these additional omitted facts mitigate and/or exculpate Respondent.

Dated: January 24, 2008

Yours, etc.,

DAVIDSON & O'MARA, P.C.

By:   
Bryan J. Maggs, Esq.  
*Attorneys for Respondent*  
Office and P. O. Address  
243 Lake Street  
Elmira, NY 14901-3192  
(607) 733-4635

TO: ROBERT H. TEMBECKJIAN, ESQ.  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway  
New York, NY 10006  
(212) 809-0566





**JOHN L. TAFT**  
TOWN JUSTICE  
1139 PENNSYLVANIA AVENUE  
ELMIRA, NY 14904  
(607) 734-4446

April 11, 2008

David Sheen, Supervisor  
Town Board Members  
Town of Southport  
1139 Pennsylvania Avenue  
Elmira, NY 14904

Ladies and Gentlemen,

It has been an honor and a privilege to serve as Town Justice for the Town of Southport. I have always strived to hold myself to a higher standard because of the awesome responsibility that this position demands.

Upon reaching the age of 71 in March, I feel I am ready to finally retire.

Therefore, I would like to retire from my elected position as of May 31, 2008.

The opportunities extended to me during the 22 years that I have been on the bench have been very much appreciated. I am proud and grateful for the confidence and support shown to me by the voters to re-elect me to six consecutive 4 year terms.

Thank you for the training and educational experience provided to me by the board over these past 22 years.

Yours very truly,



John L. Taft  
Southport Town Justice

**EXHIBIT** C