

STATE OF NEW YORK
STATE COMMISSION ON JUDICIAL CONDUCT

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In the Matter :
- of - : DETERMINATION
Robert S. Vines :
A Justice of the Town of :
Moreau, County of Saratoga :
----- X

STATE COMMISSION ON
JUDICIAL CONDUCT

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DETERMINATION OF THE
STATE COMMISSION ON JUDICIAL CONDUCT
IN THE MATTER OF MOREAU
TOWN JUSTICE ROBERT S. VINES

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 Robert S. Vines.

Robert S. Vines is a justice of the Town Court of Moreau in Saratoga County. He is not an attorney. He first took in January 1968. His current term of office expires on December 31, 1979.

Pursuant to Section 43, subdivision 2, of the Judiciary Law, the present investigation of Judge Vines commenced on May 25, 1977. In the course of its investigation, the Commission discovered three instances in which Judge Vines made ex parte requests of other judges for favorable dispositions for defendants in traffic cases and 21 instances in which Judge Vines granted favorable dispositions to defendants in traffic cases pursuant to requests from third parties.

JUSTICE VINES' REQUESTS FOR FAVORABLE DISPOSITIONS
FOR DEFENDANTS IN TRAFFIC CASES

On or about March 1, 1975, Judge Vines sent a letter on official court stationery to Judge Richard Lips of the Town

Court of Clifton Park, requesting favorable treatment for the defendant, who was charged with speeding, in People v. Joan Tedesco, a case then pending before Judge Lips. Judge Vines referred in his letter to a prior telephone conversation he had held with Judge Lips regarding the Tedesco case.

On or about August 22, 1975, Judge Vines sent a letter, in which he identified himself as a judge, to Judge Richard A. Lips of the Town Court of Clifton Park on behalf of the defendant, who was charged with speeding, in People v. Paul L. Aarons, a case then pending before Judge Lips. Judge Vines referred in his letter to a prior telephone conversation he had held with Judge Lips regarding the Aarons case.

On or about January 31, 1977, Judge Vines communicated with Judge James H. Corkland of Lake George Town Court on behalf of the defendant, who was charged with speeding, in People v. Walter D. Doyle a case then pending before Judge Corkland.

JUSTICE VINES' GRANTING OF FAVORABLE DISPOSITIONS TO DEFENDANTS IN TRAFFIC CASES

On or about May 16, 1973, Judge Vines reduced a charge of speeding to driving with an inadequate muffler in People v. William J. Quinn as the result of a letter he received from the defendant, Judge William J. Quinn of the Supreme Court, Fourth Judicial Department.

On or about April 22, 1974, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Leslie J. Richmond as a result of a letter he received on behalf

of the defendant from Bethlehem Town Justice Court Clerk Marie Oakes. Enclosed in the letter was a money order for \$25.00 in payment of the fine.

On or about August 15, 1974, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Edward Johnson as a result of a communication he received on behalf of the defendant from Judge Joseph Teshan of the Wilton Town Court, or someone at Judge Teshan's request.

On or about August 26, 1974, Judge Vines imposed an unconditional discharge on a charge of speeding in People v. Charles Sommer as a result of a letter he received on behalf of the defendant from Judge James A. Coleman of the Town Court of Greenfield.

On or about December 2, 1974, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Francis Dambrosy as a result of a letter he received on behalf of the defendant from Judge Robert Murphy of the Police Court of Voorheesville.

On or about January 30, 1975, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Leon C. Rose as a result of a communication he received from the defendant, and from the defendant's superior, on Department of Social Services stationery.

On or about May 29, 1975, Judge Vines imposed an unconditional discharge on a charge of driving with an unsafe tire in People v. Michael Tate as a result of a letter he received

from Judge Frank Tate of the Town Court of Colonie on behalf of the defendant, his son.

On or about August 11, 1975, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Todd Earl as a result of a letter he recieved from Judge Wayde Earl of the Village Court of Lake George on behalf of the defendant, his son.

On or about September 4, 1975, Judge Vines reduced a charge of speeding to illegal parking in People v. Jeffrey DiStefano as a result of a letter he received on behalf of the defendant from Judge Philip Caponera of the Town Court of Colonie. In the letter Judge Caponera refers to a prior telephone conversation he had held with Judge Vines concerning the DiStefano case, and to a check for \$50.00 in payment for the fine.

On or about October 23, 1975, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Werner Knopp as a result of a letter he received on behalf of the defendant from Judge Duncan MacAffer of the Village Court of Menands.

On or about October 31, 1975, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Joachim Schoen as a result of a letter he received on behalf of the defendant from Judge Stanley Moore of the Village Court of Rouses Point.

On or about February 12, 1976, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Patrick McMannis as a result of a letter he received on behalf of the defendant from Judge Edward Longo of the Town Court of Rotterdam, or someone at Judge Longo's request.

On or about February 27, 1976, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Thomas Hanaway as a result of a letter he received on behalf of the defendant from Judge Joseph Geiger of the Town Court of Waterford. In the letter, Judge Geiger refers to a prior phone conversation he had held with Judge Vines concerning the Hanaway case and to a money order for \$25.00 in payment for the fine.

On or about March 4, 1976, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Mark Orsini as a result of a letter he received on behalf of the defendant from Judge Clarence Hallenback of the Village Court of Hudson Falls, or someone at Judge Hallenback's request.

On or about April 23, 1976, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Charles L. Blakesley as a result of a letter he received on behalf of the defendant from Judge Edward J. Jones of the Town Court of Coeymans.

On or about August 12, 1976, Judge Vines imposed an unconditional discharge on a charge of consumption of an alcoholic beverage in a motor vehicle, in People v. Ellen Hoffman as a result of a letter he received on behalf of the defendant from

Judge John LaMalfa of the Town Court of Rotterdam.

On or about October 14, 1976, Judge Vines reduced a charge of speeding to illegal parking in People v. James E. Town as a result of a letter he received on behalf of the defendant from New York State Assemblyman Gerald B. Solomon. In the letter Assemblyman Solomon refers to a prior conversation he had held with Judge Vines concerning the Town case.

On or about October 21, 1976, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Joseph Abinanti as a result of a letter he received on behalf of the defendant from "Clarence" on stationery of the Village of Hudson Falls. In the letter there is a reference to a phone conversation with Judge Vines about the Abinanti case and to a check for \$25.00 in payment of a fine.

On or about August 28, 1976, Judge Vines reduced a charge of speeding to illegal parking in People v. Arthur Stevens as a result of a letter he received on behalf of the defendant Judge Robert Van Etten of the Town Court of Woodbury.

On or about December 6, 1976, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Robert F. Talbot as a result of a letter he received on behalf of the defendant from Jim Foley. In the letter Mr. Foley refers to a prior telephone conversation he had held with Judge Vines concerning the Talbot case and to an enclosed check.

On or about February 24, 1977, Judge Vines reduced a charge of speeding to driving with unsafe tires in People v. Edward Kuder as a result of a letter he received on behalf of the defendant from Judge Edward Longo of the Town Court of Rotterdam.

JUSTICE VINES' WAIVER OF A SCHEDULED HEARING
BEFORE THE COMMISSION

The Commission sent Judge Vines a letter dated July 14, 1977, asking him to comment on his requests for favorable treatment in the Tedesco and Aarons cases and his granting of favorable treatment in the Quinn case. Judge Vines acknowledged his actions in each case, but admitted no impropriety.

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 cases noted above and all the remaining cases. On November 30, 1977, Judge Vines was served with a Notice of Hearing and a Formal Written Complaint detailing the factual allegations in the 24 cases noted above. In an Answer dated December 5, 1977, Judge Vines admitted all the factual allegations while demanding that the Complaint be dismissed on the ground that the facts do not state acts of judicial misconduct. In an accompanying letter dated December 6, 1977, James A. Davidson, attorney for Judge Vines, waived the judge's right to the scheduled hearing.

CONCLUSION

By making ex parte requests of other judges for favorable dispositions for the defendants in traffic cases, and by granting favorable dispositions to defendants in traffic cases at the request of third parties, Judge Vines 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 3(A) 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 Vines should be publicly censured.

Respectfully submitted,

State Commission on Judicial
Conduct

Dated: February 16, 1978
New York, New York

APPEARANCES:

Gerald Stern (Mary E. Bisantz, Of Counsel) for the Commission

James A. Davidson for Respondent