

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

DETERMINATION

DAVID T. CORRETORE,

a Judge of the Webster Town Court,
Monroe County.

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Jodie Corngold
Honorable John A. Falk
Paul B. Harding, Esq.
Honorable Leslie G. Leach
Honorable Angela M. Mazzarelli
Honorable Robert J. Miller
Marvin Ray Raskin, Esq.
Ronald J. Rosenberg, Esq.
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (John J. Postel and M. Kathleen Martin, Of Counsel)
for the Commission

Honorable David T. Corretore, respondent *pro se*

Respondent, David T. Corretore, a Justice of the Webster Town Court, Monroe
County, was served with a Formal Written Complaint dated May 11, 2020, containing

one charge. The Formal Written Complaint alleged that between May 2015 and October 2018, with respect to six small claims cases, respondent failed to dispose of the business of his court promptly, efficiently and fairly, in that he failed to render decisions until long after the time required by Section 1304 of the Uniform Justice Court Act (“UJCA”). The decisions in those six matters were delayed between 5 and 47 months.

On May 28, 2020, the Administrator and respondent entered into an Agreed Statement of Facts pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be admonished and waiving further submissions and oral argument.

On June 11, 2020, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent has been a Justice of the Webster Town Court, Monroe County, since 1988. Respondent’s current term expires on December 31, 2023. He was admitted to the practice of law in New York in 1983.
2. Section 1304 of the Uniform Justice Court Act requires that, where there is no jury trial, “the court must render judgment within thirty days from the time when the case is submitted for that purpose, except when further time is given by the consent of the parties.”
3. In *Enzo Aquino v. Susan Muniz*, the plaintiff commenced a small claims action on March 23, 2015, seeking a judgment of \$2,172.40 for damages to rental property and a personal vehicle, and an unpaid county water bill. The matter was heard by respondent and finally submitted on May 5, 2015. Respondent did not render a

decision for 47 months, until May 29, 2019.

4. In *Joseph R. Meyer v. Donald T. Weimer*, the plaintiff commenced a small claims action on January 29, 2016, seeking a judgment of \$2,727.00 for damages to pets and windows. The matter was heard by respondent and finally submitted on February 29, 2016. Following the hearing, the plaintiff contacted the court multiple times seeking a decision. Respondent did not render a decision for 38 months, until May 28, 2019. After receiving the decision, the plaintiff was not able to locate the defendant to serve the judgment.

5. In *Connie Post v. Marvin Blackman*, the plaintiff commenced a small claims action on November 21, 2017, seeking a judgment of \$250.00 for damages for stolen headphones. The matter was heard by respondent and finally submitted on December 18, 2017. Following the hearing, the plaintiff contacted the court seeking a decision. Respondent did not render a decision for 16 months, until May 29, 2019.

6. In *Marlene Schmitz v. Dave Hussar Renovations*, the plaintiff commenced a small claims action on September 24, 2018, seeking a judgment of \$3,000.00 for damages caused by improper roof repairs. The matter was heard by respondent and finally submitted on October 22, 2018. Following the hearing, the plaintiff contacted the court seeking a decision. Respondent did not render a decision for six months, until May 16, 2019.

7. In *Domenic Kearney v. Paul Kubrich*, the plaintiff commenced a small claims action on September 24, 2018, seeking a judgment of \$3,000.00 for the return of a security deposit and moving charges. The matter was heard by respondent and finally

submitted on October 22, 2018. Following the hearing, the plaintiff contacted the court multiple times seeking a decision. Respondent did not render a decision for six months, until May 28, 2019.

8. In *Paul Kolacki v. JWP Property Services, LLC*, the plaintiff commenced a small claims action on September 17, 2018, seeking a judgment of \$3,000.00 for damages arising from a contract for a home renovation project. The matter was heard by respondent and finally submitted on October 22, 2018. The plaintiff and his attorney thereafter contacted the court multiple times seeking a decision. Additionally, the staff of respondent's supervising judge contacted respondent about issuing a decision.

Respondent did not render a decision for five months, until April 18, 2019.

Additional Factors

9. Respondent has been cooperative and contrite with the Commission throughout the inquiry.

10. As a result of the Commission's inquiry, respondent and his court staff have instituted a case-tracking system to avoid delays in rendering decisions in future matters.

11. Respondent has an otherwise unblemished record during his approximately 32 years on the bench.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(B)(1), 100.3(B)(7) and 100.3(C) (1) of the Rules Governing Judicial Conduct ("Rules") and 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. Charge I of the Formal Written Complaint is sustained and respondent's misconduct is established.

The Rules require each judge to “dispose of all judicial matters promptly, efficiently and fairly.” (Rules, §100.3(B)(7)) It was stipulated that respondent violated this ethical standard when he delayed rendering decisions in six small claims matters for between 5 and 47 months. In five of the six matters, the plaintiff contacted the court seeking a decision. Three plaintiffs contacted the court multiple times for this purpose.

Undue delay in rendering judgment in small claims matters undermines public confidence in the judiciary. In describing the importance of adhering to time frames set forth in the UJCA, the Commission has held that

The “informal and simplified” procedures for small claims are intended to provide litigants with an efficient and just resolution to their legal disputes (Uniform Justice Court Act ...§1804). This goal is thwarted when a simple matter that could have been resolved expeditiously is delayed for over a year through no fault of the parties.

Matter of Skinner, 2019 NYSCJC Annual Report 239, 247 (citation omitted); *Matter of Turner*, 2010 NYSCJC Annual Report 240 (judge admonished for, *inter alia*, delaying issuing a judgment or a decision on a motion in 29 cases for between 2 months and 6 years). By his conduct, respondent deprived the parties in the six matters of the opportunity to have their claims adjudicated in a timely manner. In one matter, after respondent's unwarranted 38-month delay in rendering judgment, the plaintiff was unable to locate the defendant to serve the judgment.

In accepting the jointly recommended sanction of admonition, we have taken into

consideration that respondent has admitted that his conduct warrants public discipline and that he has taken corrective action by instituting a system to track cases. We trust that respondent, who has had an otherwise unblemished record during his nearly 32 years on the bench, will diligently discharge his duties in the future.

By reason of the foregoing, the Commission determines that the appropriate disposition is admonition.

Mr. Belluck, Ms. Grays, Ms. Corngold, Mr. Harding, Judge Leach, Judge Mazzarelli, Judge Miller, Mr. Raskin, and Mr. Rosenberg concur.

Judge Falk and Ms. Yeboah did not participate.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: June 22, 2020



Celia A. Zahner, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct