

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

GEORGE BAROODY,

Determination

a Justice of the Manchester Town Court,
Ontario County.

BEFORE: Mrs. Gene Robb, Chairwoman
Dolores DelBello
Michael M. Kirsch
Victor A. Kovner
William V. Maggipinto
Honorable Isaac Rubin
Honorable Felice K. Shea
Carroll L. Wainwright, Jr.

The respondent, George Baroody, a justice of the Town Court of Manchester, Ontario County, was served with a Formal Written Complaint dated April 20, 1979, setting forth three charges of misconduct relating to the improper assertion of influence in traffic cases. Respondent filed an answer dated May 2, 1979.

By notice of motion dated July 5, 1979, the administrator of the Commission moved for summary determination, pursuant to Section 7000.6(c) of the Commission's rules (22 NYCRR 7000.6[c]). Respondent did not oppose the motion. The Commission granted the motion on July 19, 1979, found respondent guilty of misconduct with respect to all three charges in the Formal Written Complaint, and set a date for oral argument on the issue of an appropriate sanction.

At oral argument on August 16, 1979, respondent's counsel introduced exhibits not already in the record before the Commission, which were received by the Commission with the consent of the administrator. Thereafter the Commission considered the record in this proceeding, and upon that record finds the following facts.

1. As to Charge I, on June 11, 1973, respondent communicated with Justice James E. Morris of the Town Court of Brighton, seeking special consideration on behalf of the defendant in People v. Philip Caruso, a case then pending before Judge Morris.

2. As to Charge II, on March 27, 1973, respondent, or someone at his request, communicated with Justice J. Kelsey Webster of the Town Court of Newstead, seeking special consideration on behalf of the defendant in People v. Noria S. Frasca, a case then pending before Judge Webster.

3. As to Charge III, on January 9, 1975, respondent, or someone at his request, communicated with Justice Willis D. MacKenzie of the Town Court of LeRoy, seeking special consideration on behalf of the defendant in People v. Victoria A. Frasca, a case then pending before Judge MacKenzie.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 33.1, 33.2, 33.3(a)(1) and 33.3(a)(4) of the Rules Governing Judicial Conduct and Canons 1, 2 and 3A of the Code of Judicial Conduct. Charges I through III of the Formal Written Complaint

are sustained, and respondent is thereby guilty of misconduct.

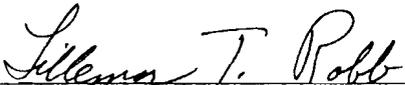
It is improper for a judge to seek to persuade another judge, on the basis of personal or other special influence, to alter or dismiss a traffic ticket. By making ex parte requests of other judges for favorable dispositions for the defendants in traffic cases, respondent violated the rules enumerated above.

Courts in this state and other jurisdictions have found that favoritism is serious judicial misconduct and that ticket-fixing is a form of favoritism.

By reason of the foregoing, the Commission determines by vote of 6 to 2 that the appropriate sanction is admonition. Mrs. Robb and Judge Rubin dissent only with respect to sanction and vote that there be no public sanction.

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.


Lillemor T. Robb, Chairwoman
New York State Commission on
Judicial Conduct

Dated: October 11, 1979
Albany, New York

APPEARANCES:

Thomas J. Gilmore, Jr., for Respondent

Gerald Stern for the Commission (Judith Siegel-Baum, Of Counsel)