

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

Lawrence Ivan Horowitz,

**VERIFIED ANSWER
TO FORMAL
WRITTEN COMPLAINT**

A Justice of the Supreme Court,
Westchester County.

=====X

STATE OF NEW YORK)
 ss:
COUNTY OF WESTCHESTER)

LAWRENCE I. HOROWITZ being duly sworn, deposes and says that he is the respondent in the above-captioned action; that the following constitutes his Answer to the Formal Written Complaint; that such Answer is based upon his own knowledge, except as to matters therein stated to be alleged upon information and belief and as to those matters he believes to be true.

1. I admit that the Commission on Judicial ("Commission") conduct is so empowered.
2. I admit that this is true and that I agreed that service be made upon my attorney, Deborah A. Scalise. Upon information and belief, service of the Notice of the Formal Written Complaint and the Formal Written Complaint was made by mail and received by Ms. Scalise. I admit that I have served as a Justice of the

Ex. 2

Supreme Court, Westchester County, since January 2004, after having served as a Westchester County Court Judge from June through December 2003.

3. I admit in part and deny in part as stated below that the factual allegations set forth in Charges I-III state acts of judicial misconduct in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).

CHARGE I

4. As set forth below, I admit in part and deny in part.
5. As set forth below, I admit in part and deny in part.

Specifications as to Charge I

6. Upon information and belief, Dominic and Christopher Angiello are brothers.
7. Upon information and belief,
 - A. Dominic Angiello was a Police Officer with the Mount Pleasant Police Department.
 - B. Christopher Angiello was legally separated from his wife, Michelle Nolan.
 - C. I admit that Michele Nolan and I were close personal friends and romantically involved.
8. Upon information and belief I admit in part and deny in part that this paragraph is true. I admit that Michelle Nolan was stopped for speeding. However, upon information and belief, the subsequent New York Statewide Police Information Network (NYSPIN) check indicated that Mr. Nolan’s “license plates were

reported as lost or stolen". Upon information and belief I admit that Ms. Nolan was brought to the Yorktown Police Station and called me.

9. I admit that on that same date, I called the police station and spoke with Police Officer T.J. Gentner, who knew me as an attorney from Westchester County, but at the time was not aware that I had become a judge. Although I told Officer Gentner that Ms. Nolan was a friend and would respond to the traffic summonses, at no time did I ever mention that I was a judge. Upon information and belief Ms. Nolan's private attorney appeared at the police station on that same date. Upon information and belief, I later learned that Officer Gentner's supervisor recommended that Ms. Nolan be charged with a crime and that bail be set but that Officer Gentner issued Ms. Nolan several summonses for violations and released her.
10. I admit that on or about February 5, 2005, I accompanied Ms. Nolan to the Mount Pleasant Police Department to file a complaint against her former husband, Christopher Angiello, for having falsely reported Ms. Nolan's license plates as "lost or stolen". I deny that in the meeting at the police station with Officer James Reilly, I demanded that Dominic Angiello also be investigated, but admit that I stated that I was appearing as Ms. Nolan's friend. I admit that I handed my business card to Officer Reilly.
11. I admit that Officer Reilly thereafter called in his Supervisor Sergeant Paul O'Leaver. I note that prior to that date Officer Reilly and I had never met and that when Sergeant O'Leaver inquired as to who I was, I reiterated that I was there as

Ms. Nolan's friend and that I was not appearing as her attorney. I admit that I was present when Ms. Nolan asked that charges be drawn up, and that Sergeant O'Leaver declined to draw up charges against either Dominic or Christopher Angiello. I deny that I ever made or "persisted" in such request.

12. I deny that I dictated a statement to the police which was typed by Officer Reilly and signed by Ms. Nolan. I admit that when walking back to my car with Ms. Nolan, I was unaware that anyone was listening, was caught up in the emotion of the moment, and made a statement to Ms. Nolan to the effect that "There was a lot of dick waving going on in there and I guess we'll find out who has the bigger dick." However, I deny that this statement was intentionally made in front of Officer Reilly. At no time was the statement made with an intent for Officer O'Reilly to hear the statement.
13. I admit that on or about February 7, 2005, I called Mount Pleasant Police Chief Louis Alagno, however, I do not recall having identified myself as a Justice of the Supreme Court. I admit that I indicated that I believed Christopher Angiello had committed a crime, and indicated that Ms. Nolan's complaint should be investigated.
14. I admit that on or about February 7, 2005, I telephoned Westchester County Assistant District Attorney Vincent O'Connell. However I deny that I mentioned I was a judge, because I knew Mr. O'Connell for many years prior to the telephone call. I admit that I indicated that Ms. Nolan's complaint should be investigated.
15. I admit that on or about February 7, 2005, I telephoned Westchester County Chief

Assistant District Attorney Richard Weill and indicated that Ms. Nolan's complaint should be investigated.

16. I admit in part and deny in part. I admit that I 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. I deny that I failed to maintain the 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; and that I failed to avoid impropriety and the appearance of impropriety in that I failed to respect and comply with the law and to 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 that I lent the prestige of judicial office to advance the private interests of another, in violation of Section 100.2(C) of the Rules.

CHARGE II

17. As set forth below, I admit in part and deny in part.

Specifications as to Charge II

18. I admit these facts, with an explanation. When I became a judge I used my office stationary for all correspondence, including personal and business matters. I have sent letters to my kids in camp, to my relatives and for any other correspondence that was necessary. I typed all the letters myself and used my own postage. However, I always inserted the words "Personal and Unofficial" in the

top right hand corner of each letter, thereby indicating that such was not sent in my official capacity as a judge. Thus, I did not believe that the receiver of such letter would perceive that I was requesting preferential treatment due to my position. I now recognize that I may have been wrong in my view as to how such a letter would be perceived. However, I specifically note that I never received any preferential treatment as a result of the aforementioned correspondence and will present evidence to corroborate such fact.

19. I admit these facts with an explanation. When I became a judge I used my office stationary for all correspondence, including personal and business matters. I have sent letters to my kids in camp, to my relatives and for any other correspondence that was necessary. I typed all the letters myself and used my own postage. However, I always inserted the words "Personal and Unofficial" in the top right hand corner of each letter, thereby indicating that such was not sent in my official capacity as a judge. Thus, I did not believe that the receiver of such letter would perceive that I was requesting preferential treatment due to my position. I now recognize that I may have been wrong in my view as to how such a letter would be perceived. However, I specifically note that I never received any preferential treatment as a result of the aforementioned correspondence and will present evidence to corroborate such fact.

20. I admit these facts with an explanation. When I became a judge I used my office stationary for all correspondence, including personal and business matters. I have sent letters to my kids in camp, to my relatives and for any other correspondence

that was necessary. I typed all the letters myself and used my own postage.

However, I always inserted the words "Personal and Unofficial" in the top right hand corner of each letter, thereby indicating that such was not sent in my official capacity as a judge. Thus, I did not believe that the receiver of such letter would perceive that I was requesting preferential treatment due to my position. I now recognize that I may have been wrong in my view as to how such letters would be perceived. However, I specifically note that I never received any preferential treatment as a result of the aforementioned correspondence and will present evidence to corroborate such fact.

21. I deny that I 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. I deny that I failed to uphold the integrity and independence of the judiciary by failing to maintain the 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. I deny that I failed to avoid impropriety and the appearance of impropriety in that I failed to respect and comply with the law and to act in a manner that upholds public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules. I deny that I lent the prestige of judicial office to advance my own private interest and/or the private interests of others, in violation of Section 100.2(C) of the Rules.

MITIGATION

22. I respectfully requests that the Commission allow me to submit evidence in mitigation setting forth, *inter alia*, that:

- I was a relatively new judge when the matters referred to herein occurred, having been appointed to the Westchester County Court in June 2003 and sworn in as a Justice of the Supreme Court on January 1, 2004;
- at the time of the incidents described above, I had served as a Judge for only one and a half years;
- during my run for election to the Supreme Court in 2003, my wife of eighteen years requested a divorce and I was in the midst of a highly contested litigation regarding the divorce, as well as the impact from the emotional fallout of the same for my children, at the time when the matters referred to herein occurred;
- my son was classified by the Chappaqua School' Committee as having Attention Deficit Hyperactivity Disorder ("ADHD") and emotional disabilities. Thus, it was and continues to be an issue I deal with on his behalf to ensure that he obtains the services he needs;
- my mother suffered from Alzheimer's Disease and recently passed away. However, when the matters referred to herein occurred I was dealing with issues arising from her illness;
- my career change from a lucrative, successful law practice to public service left me with large financial concerns, such as the divorce, college expenses for my children; and campaign debt;
- my own physical health issues including, *inter alia*, diabetes, high blood pressure, high cholesterol and multiple hospitalizations for abdominal obstructions and hernias, two of which resulted in hospitalizations for surgery, recoveries and medication changes;
- my recognition that the conduct described above could be perceived as using my position as a judge;

- other than the conduct cited herein, I have done my best to fulfill my judicial duties and not to allow personal issues to interfere with the work I was entrusted to do by virtue of my election to the Bench; and
- I will not repeat such actions ever again.

23. I also request that the Commission accept and consider the three attached character letters submitted in mitigation from the Honorable Francis A. Nicolai, the Administrative Judge for the Ninth Judicial District, the Honorable John K. McGuirk, the Senior Resident Justice of the Supreme Court in Orange County and Honorable James Cavanaugh, the President of the Battery Park City Authority in New York City. Notably, even though each of the letters was independently authored, several common themes are set forth in each of them including, *inter alia*,

1. that I fully informed each writer of the nature and extent of the pending charges;
2. that I fully accepted responsibility and demonstrated my remorse for his actions;
3. that I was under a great deal of stress arising from personal issues during the period in question; and
4. that they are confident that I have learned from my mistakes and will not repeat such conduct.

WHEREFORE, I pray that the Commission will be compassionate in the disposition of this matter and allow me to continue to serve as a Supreme Court Justice for the Ninth Judicial District.

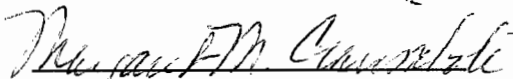
**Dated: December 4, 2006
Westchester County, New York**

Respectfully submitted,



Lawrence I. Horowitz

Sworn to before me on this 4th
day of December 2006


Notary Public

MARGARET M. CIARIMBOLI
Notary Public, State of New York
Qualified in Orange County
Commission Expires October 5, 2009