

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

WILLIAM J. QUINN,

a Justice of the Supreme Court,
Fourth Judicial District.

Determination

BEFORE: Mrs. Gene Robb, Chairwoman
Honorable Fritz W. Alexander, II
David Bromberg, Esq.
Honorable Richard J. Cardamone
Dolores DelBello
Michael M. Kirsch, Esq.
Victor A. Kovner, Esq.
William V. Maggipinto, Esq.*
Honorable Isaac Rubin
Honorable Felice K. Shea
Carroll L. Wainwright, Jr., Esq.

APPEARANCES:

Gerald Stern (Jack J. Pivar, Of Counsel)
for the Commission
Thomas J. McDonough for Respondent

The respondent, William J. Quinn, a justice of the Supreme Court, Fourth Judicial District, was served with a Formal Written Complaint dated November 27, 1979, alleging misconduct with respect to respondent's operating a motor vehicle while under the influence of alcohol. Respondent filed an answer dated January 19, 1980.

By order dated March 18, 1980, the Commission designated the Honorable Bertram Harnett referee to hear and report proposed findings of fact and conclusions of law. The hearing was held on

*Mr. Maggipinto's term as a member of the Commission expired on March 31, 1981. The vote on this determination was taken on March 10, 1981.

August 18 and 19, 1981, and the referee filed his report to the Commission on December 23, 1980.

By motion dated January 9, 1981, the administrator of the Commission moved to confirm the referee's report and for a determination that respondent be removed from office. By cross-motion dated February 17, 1981, respondent moved to disaffirm the referee's report and for dismissal of the Formal Written Complaint.

The Commission heard oral argument on the motions on March 10, 1981, thereafter considered the record of the proceeding and makes the following findings of fact.

1. On May 4, 1975, respondent was found by an officer of the Lake George Village Police to be asleep behind the wheel of his automobile. Upon being awakened, respondent was found to be under the influence of alcohol, was taken to a police station, and, upon confirmation of his identity, was driven home.

2. On May 16, 1975, respondent was found by an officer from the Warren County Sheriff's office to be asleep behind the wheel of his automobile. Upon being awakened, respondent was found to be under the influence of alcohol. After his identity was confirmed, he was driven home.

3. On May 22, 1975, respondent drove his automobile while his ability to operate a vehicle was impaired by the consumption of alcohol. His car entered the southbound lane on the Northway (Interstate 87), going north. He continued in the wrong direction until he was stopped and arrested by New York State Troopers.

4. On May 29, 1975, respondent pleaded guilty in the Town Court of Moreau to driving while his ability was impaired on May 22, 1975, in violation of Section 1192.1 of the Vehicle and Traffic Law.

5. On November 10, 1977, respondent was admonished by the State Commission on Judicial Conduct, concerning his drinking habits.

6. After receiving the admonition, respondent continued to have at least one or two alcoholic drinks on several occasions each week outside his home. On some of these occasions respondent was in an inebriated condition and was seen to be so in public.

7. On January 16, 1979, respondent had several drinks at a private club in mid-afternoon and then drove home in an intoxicated condition. By his conduct, respondent acted in disregard of the Commission's admonition.

8. While driving home on January 16, 1979, respondent's car stopped, blocking traffic. Respondent had passed out at the wheel with the motor running and the car in gear.

9. A number of witnesses observed respondent in an inebriated condition and summoned the police.

10. When a police officer arrived, respondent refused to give his identification, insulted the officer, and attempted to invoke the authority of his office by making such statements as, "Do you know who I am?" Respondent was arrested.

11. After his arrest, respondent, in plain view, urinated on the police car.

12. Thereafter at the stationhouse, in the presence of at least four police employees, respondent displayed his checkbook and asked what he would have to do to "get this straightened out,"

repeatedly referred to his judicial position and said, "Let's get this thing settled now." He also stated, "My name is not Mr. Quinn; it's Judge Quinn and don't forget it."

13. Respondent was belligerent and uncooperative in taking a breathalyzer test.

14. The breathalyzer test showed that respondent's blood alcohol content was .19%, well above the .10% needed to demonstrate intoxication.

15. Respondent threatened the arresting police officers by making such statements as, "I know where you were Saturday night;" "I've got files on all you Glenville cops;" and "Your ex-Chief tried the same thing and you know what happened to him."

16. Respondent refused on January 16, 1979, to cooperate in having his fingerprints taken.

17. On February 16, 1979, respondent pleaded guilty to driving with more than .10% blood alcohol, and, accordingly, entered a plea of guilty to Section 1192.2 of the Vehicle and Traffic Law in the Town Court of Glenville. He was given a conditional discharge. One of the conditions was that he submit to fingerprinting.

18. Between January 16, 1979, and August 23, 1979, in connection with his arrest for and conviction of driving with more than .10% blood alcohol, respondent refused to make himself available for fingerprinting pursuant to Section 160.10 of the Criminal Procedure Law, notwithstanding that he was ordered by the court, as part of the terms under which his plea of guilty was accepted, to make himself available to the Glenville Police for the purpose of taking his fingerprints.

19. On August 23, 1979, at the urging of the District Attorney, respondent agreed to have his fingerprints taken in his chambers by a police officer. He was, however, not cooperative with the police officer and a clear set of fingerprints could not be obtained.

20. No adequate fingerprints of respondent were ever obtained in connection with his arrest on January 16, 1979.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 33.1, 33.2(a) and 33.5(a) of the Rules Governing Judicial Conduct and Canons 1, 2A and 5A of the Code of Judicial Conduct. Charges I through IX of the Formal Written Complaint are sustained and respondent's misconduct is established. The affirmative defenses raised by respondent are not sustained and therefore are dismissed.

Respondent's misconduct has been serious and continuing since 1975. More than once he was found by police to be asleep at the wheel of his car while under the influence of alcohol. He was arrested twice for driving while intoxicated or while his ability to drive was impaired by alcohol, once having been stopped while driving the wrong way on a major highway. He identified himself as a judge and asserted the prestige of his judicial position, attempted to influence the police who arrested him, directed abusive language toward the police and refused to cooperate as they attempted to discharge their official responsibilities. He refused for several months to obey a court order to be fingerprinted and, when he finally did submit to the process, he was so uncooperative that the administering police officer was unable to obtain a legible set of prints.

A judge may not flout the laws he is sworn to uphold. By his conduct respondent has cast grave doubt on his fitness to serve. He has demeaned the dignity of his office and has acted in a manner that has brought shame and disrepute to the judiciary.

In determining the appropriate sanction in a disciplinary proceeding, the Commission must balance its responsibility to insure to the public a judiciary in whose integrity it may have confidence and its responsibility to deal fairly with the individual judge. In this case, the circumstances involve a judge whose serious drinking problem underlay the uncontroverted acts of misconduct and on whom a prior admonition has had no discernible reforming effect.

In the circumstances of this case, the Commission concludes that public confidence in respondent is irretrievably lost and that the public interest can be protected only by removal of respondent from office. The manifestations of misconduct engendered by respondent's alcoholism are so serious as to reflect clearly respondent's lack of fitness to serve as a judge. The risks inherent in permitting respondent to remain on the bench far outweigh the prospects of his regaining the public's confidence in his performance.

By reason of the foregoing, the Commission determines that the appropriate sanction is removal from office.

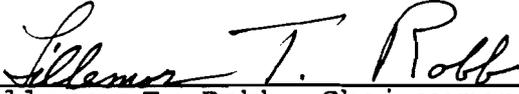
All concur, except for Judge Rubin, who abstains.

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.

Dated: May 1, 1981
Albany, New York


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