

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

**DETERMINATION**

LAWRENCE T. REID,

a Justice of the Pavilion Town Court,  
Genesee County.

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THE COMMISSION:

Henry T. Berger, Esq., Chair  
Honorable Frederick M. Marshall, Vice Chair  
Honorable Frances A. Ciardullo  
Stephen R. Coffey, Esq.  
Lawrence S. Goldman, Esq.  
Christina Hernandez, M.S.W.  
Honorable Daniel F. Luciano  
Mary Holt Moore  
Honorable Karen K. Peters  
Alan J. Pope, Esq.  
Honorable Terry Jane Ruderman

APPEARANCES:

Gerald Stern (John J. Postel, Of Counsel) for the Commission

Boylan, Morton & Whiting, L.L.P. (By Paul S. Boylan) for Respondent

The respondent, Lawrence T. Reid, a justice of the Pavilion Town Court,  
Genesee County, was served with a Formal Written Complaint dated July 31, 2001,

containing two charges. Respondent filed an answer dated October 16, 2001.

On April 23, 2002, the Administrator of the Commission, respondent and respondent's counsel entered into an Agreed Statement of Facts pursuant to Judiciary Law §44(5), stipulating that the Commission make its determination based upon the agreed facts, jointly recommending that respondent be censured and waiving further submissions and oral argument.

On May 9, 2002, the Commission approved the agreed statement and made the following determination.

1. Respondent has been a justice of the Pavilion Town Court since 1994. He is not a lawyer. He has attended and successfully completed all required training sessions for judges.

As to Charge I of the Formal Written Complaint:

2. In or about March 2000, the town clerk asked respondent to write an article for publication in a newsletter distributed by the Town of Pavilion concerning the issue of increased truck traffic passing through the town.

3. Respondent wrote an article for publication in which he expressed his concern about the increase in truck traffic passing through the town on Routes 63 and 19 and attempted to obtain support among local residents for the construction of a

highway bypass around the town. Respondent also wrote the article in an attempt to discourage truck drivers from using those routes through the town, which they were legally permitted to drive upon.

4. Respondent indicated in the article that he had been increasing fine amounts for defendants who had been convicted of trucking-related violations. Respondent warned that he would continue to increase fine amounts for defendants charged with trucking-related violations until such time as trucking operators chose alternate routes around the town. Respondent stated in his article:

...The Pavilion Court has attempted to gauge the danger to the community of this travel corridor and in the interest of safety raised the fines for this activity in the community within the guidelines of the State Laws. Judge Robert Westacott and I feel that the increased fines for trucks in this corridor will get the attention of the truckers and their companies to make it economically not worth the risk for what is saved by the "shortcut" to and from the New York State thruway as these trucks travel to and from New York and Canada and the free trade zone.

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...the fines of truckers in Pavilion have increased dramatically and will continue to increase until such time as the truckers realize that the savings of \$40.00 may not be worth the gamble of a trip through Pavilion. The safety of the community is part of what justices are elected for as we are the "courts closest to the people", and we will continue to act in a manner to protect our community until such time as the State of New York builds a bypass or places weight and size limits on Routes 19, 63 and 20.

As to Charge II of the Formal Written Complaint:

5. In eleven Vehicle and Traffic cases adjudicated between February 2000 and January 2001, as set forth in Schedule A, respondent accepted guilty pleas from the defendants to reduced charges and thereafter imposed fines that he knew were in excess of the statutorily authorized maximum fine for the specific convictions. The fines imposed by respondent were between \$20.00 and \$70.00 in excess of the statutorily authorized maximum fines for the specific convictions. Respondent mistakenly believed that he had the authority to set the fine amounts in each of these eleven cases based upon the original charges.

6. In five cases adjudicated between March 16, 2000, and October 10, 2000, as set forth in Schedule B, respondent accepted guilty pleas from defendants charged with violating Section 1110A of the Vehicle and Traffic Law and thereafter imposed fines that were in excess of the statutorily authorized maximum fines for those convictions. Respondent mistakenly believed that these convictions involved plea reductions. The fines imposed by respondent were between \$50.00 and \$70.00 in excess of the statutorily authorized maximum fine for these convictions.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.2(C), 100.3(B)(1), 100.3(B)(4), 100.3(B)(8), 100.4(A)(1) and 100.4(A)(2) of the Rules Governing Judicial

Conduct. Charges I and II of the Formal Written Complaint are sustained, and respondent's misconduct is established.

By writing an article for a newsletter in which he attempted to obtain support among local residents for construction of a highway bypass, respondent used the prestige of his judicial office to advance private interests, in violation of Section 100.2(C) of the Rules Governing Judicial Conduct. Respondent's explicit references to his judicial role, which he intertwined with his advocacy for the bypass, underscored that he was writing not as a private citizen, but as a judge.

Respondent's statements that he had increased the fines on truck drivers to discourage them from using local routes, and that he would continue to do so in the future, were particularly improper. Such statements are inconsistent with the role of a judge, which is to apply the law in each case in a fair and impartial manner (Sections 100.2[A] and 100.3[B][1] of the Rules). Respondent's words conveyed the appearance that he was biased against truck drivers and that he would not, and did not, consider each case individually on the merits in imposing an appropriate sentence, as he is required to do. Public confidence in the impartiality and independence of the judiciary is diminished by such statements. *See Matter of Tracy*, 2002 Ann Rep of NY Commn on Jud Conduct

It is the responsibility of every judge, lawyer or non-lawyer, to "respect and

comply with the law,” to be faithful to the law and to maintain professional competence in it (Sections 100.2[A] and 100.3[B][1] of the Rules Governing Judicial Conduct).

Respondent violated these standards in numerous Vehicle and Traffic cases by imposing fines based on the original charges, rather than the charges for which the defendants had been convicted. Such a practice was contrary to law and resulted in fines that exceeded the legal maximum. *See Matter of Christie*, 2002 Ann Rep of NY Commn on Jud Conduct \_\_\_. Compounding his legal error, respondent imposed excessive fines in some cases even when the defendants pleaded guilty to the original charges because he mistakenly believed the charges had been reduced. This mistake could have been avoided if respondent had been more diligent in determining the actual charges in the cases. By such conduct, respondent failed to diligently discharge his judicial duties.

By reason of the foregoing, the Commission determines that the appropriate sanction is censure.

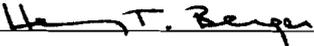
Mr. Berger, Judge Ciardullo, Mr. Coffey, Mr. Goldman, Ms. Hernandez, Judge Luciano, Ms. Moore, Judge Peters, Mr. Pope and Judge Ruderman concur.

Judge Marshall was not present.

CERTIFICATION

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

Dated: May 17, 2002

  
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Henry T. Berger, Esq., Chair  
New York State  
Commission on Judicial Conduct

**SCHEDULE A**

<b><u>Defendant</u></b>	<b><u>Date Adjudicated</u></b>	<b><u>Original V&amp;T Charge/ Reduction</u></b>	<b><u>Fine Imposed</u></b>	<b><u>Statutory Fine</u></b>
Glen H. Ceisner	02/29/00	1180B/1110A	\$ 150.00	\$ 100.00
Timothy M. Dunn	03/07/00	1180D/1110A	150.00	100.00
Katherine A. Shepard	03/14/00	1180B/1110A	150.00	100.00
Kathleen R. Parker	03/28/00	1180D/1110A	120.00	100.00
F.W. Kintzel, 4th	04/09/00	1180D/1110A	150.00	100.00
Donald P. Rebmann	05/09/00	1180B/1110A	170.00	100.00
Katherine E. Petrinec	09/12/00	1180B/1110A	125.00	100.00
Matthew Wascak	10/10/00	1180B/1110A	150.00	100.00
Leonard J. Mioducki	10/17/00	1180B/1110A	150.00	100.00
Sarah E. Exford	11/14/00	1180D/1201A	115.00	100.00
Richard A. Mark	01/23/01	1180D/1201A	150.00	100.00

**SCHEDULE B**

<b><u>Defendant</u></b>	<b><u>Date Adjudicated</u></b>	<b><u>V&amp;T Conviction</u></b>	<b><u>Fine Imposed</u></b>	<b><u>Statutory Fine</u></b>
Warren R. Klein	03/16/00	1110A	170.00	100.00
M. K. Memminger, Jr.	03/19/00	1110A	170.00	100.00
Marc T. Elam	05/16/00	1180B	250.00	200.00
Michael H. White, Jr.	05/16/00	1180D	150.00	100.00
Susan L. Elsasser	10/10/00	1110A	150.00	100.00