



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

February 25, 2019

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Town Court Justice in Wayne County Should Be Censured for Asserting the Prestige of Judicial Office in a Personal Matter

The New York State Commission on Judicial Conduct has determined that William E. Abbott, a Justice of the Palmyra Town Court and an Associate Justice of the Palmyra Village Court, Wayne County, should be censured for invoking his judicial office when asking for police assistance in unlocking his personal vehicle and threatening to refuse to conduct future arraignments if they did not comply.

Judge Abbott, who agreed to the censure, was previously censured in 1989 for invoking his judicial prestige when soliciting an affidavit from a witness as a favor to a lawyer-friend.

In November 2017, after accidentally locking his keys inside his personal vehicle at a parking lot in Newark, Judge Abbott called 911 and asked a clerk to send someone to assist him. When the clerk said the Newark police did not respond to requests to unlock cars except in emergencies, the judge responded that the police had “done this before for me,” identified himself as “Judge Abbott of Palmyra”

and told the clerk, “I just won’t do any arraignments for you anymore.”¹ Intimidated by the judge’s comments, the clerk sent a sergeant to assist him. When the sergeant was unable to unlock the vehicle, a second officer was called and was able to do so.

In its determination the Commission stated: “[I]dentifying himself as a judge while asking for assistance, standing alone, would have constituted an implicit request for special treatment, which is inconsistent with the high ethical standards required of every judge.” The judge compounded his misconduct when he “threatened to retaliate against the Newark police if they did not respond favorably to his request.” The Commission noted that “There is no justification for a judge’s refusal to perform judicial duties out of personal pique, and even threatening to do so is detrimental to public confidence not only in the integrity of the judge’s court, but in the judiciary as a whole.”

In accepting the jointly recommended sanction, the Commission noted that while it was “troubled” by the judge’s actions in this instance, especially in view of his prior discipline, it had taken into account that the judge had “acknowledged his misconduct and expressed regret for his actions.”

Judge Abbott, who is not an attorney, has served as a Justice of the Palmyra Town Court and an Associate Justice of the Palmyra Village Court since 1979. His current term as Palmyra Town Justice expires on December 31, 2019, and his current term as Associate Justice of the Palmyra Village Court expires on December 2, 2019.

The Commission Proceedings

Judge Abbott was served with a Formal Written Complaint dated November 19, 2018, containing one charge.

On January 22, 2019, the Administrator of the Commission, Judge Abbott and Judge Abbott’s attorney entered into an Agreed Statement of Facts, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on January 31, 2019.

¹ As a judge who sits in an adjoining town, Judge Abbott has authority to arraign defendants brought to him by the Newark police when the Newark village justices are unavailable.

The Commission Determination

The Commission filed a determination dated February 7, 2019, in which 10 members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Paul B. Harding, Esq. (the Vice Chair), Jodie Corngold, Judge John A. Falk, Taa Grays, Esq., Judge Leslie G. Leach, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., and Richard A. Stoloff, Esq.

One member, Akosua Garcia Yeboah, was not present.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Invoking one’s judicial title for a personal favor, and threatening not to perform a judicial duty when rebuffed, are plainly improper. Judge Abbott should have known better, having been disciplined previously for invoking his judicial office in a private matter. He accepts responsibility, appears to appreciate the impropriety of his action and is expected not to repeat it in the future.”

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. Judge Abbott received it on February 19, 2019, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Abbott does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 325 determinations of censure against judges in New York State. The Commission has issued 172 determinations of removal and 270 determinations of admonition.

The Court of Appeals has reviewed 99 Commission determinations. The Court accepted the Commission's sanctions in 83 cases (74 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

In the proceedings before the Commission, Judge Abbott was represented by James I. DePoint, Esq., 1706 Palmyra-Marion Road, P.O. Box 92, Palmyra, NY 14522, (315) 597-6789.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney David M. Duguay. Investigator Betsy Sampson assisted in the investigation.

Background Information on Judge Abbott

First took office (Palmyra Town and Village Courts):	1979
Current Term Expires (Palmyra Town Court):	December 31, 2019
Current Term Expires (Palmyra Village Court):	December 2, 2019

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

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The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2020
Paul B. Harding, Esq., Vice Chair	Assembly Minority Leader Brian M. Kolb	March 31, 2021
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Taa Grays, Esq.	Former Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Richard A. Stoloff, Esq.	Former Senate President Pro Tem Dean Skelos	March 31, 2019
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021