

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 E. ABBOTT,

a Justice of the Palmyra Town Court, and
Associate Justice of the Palmyra Village Court,
Wayne County.

**AGREED
STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct

(“Commission”):

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable William E. Abbott (“Respondent”), who is represented in this proceeding by James I. DePoint, Esq., that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent has been a Justice of the Palmyra Town Court, and Associate Justice of the Palmyra Village Court, Wayne County, 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. Respondent is not an attorney.

2. Respondent was served with a Formal Written Complaint dated November 19, 2018. He enters into this Agreed Statement of Facts in lieu of filing an Answer.

As to Charge I

3. On November 28, 2017, Respondent lent the prestige of his judicial office to advance his own private interest when he (1) invoked his judicial title while requesting that the Newark Police Department (“NPD”) send an officer to unlock his personal motor vehicle in contravention of their established policy, and (2) threatened to refuse to do future arraignments for the NPD.

Specifications to Charge I

4. The Town of Palmyra and the Village of Newark, both located in Wayne County, adjoin one another.

5. As the judge of a court whose jurisdiction adjoins the Village of Newark, Respondent presides over the arraignments of defendants brought to Palmyra by NPD officers when the justice or associate justice of the Newark Village Court are unavailable.

6. On November 28, 2017, at approximately 3:00 PM, after accidentally locking the keys to his personal motor vehicle inside the vehicle, which was parked at the Newark-Wayne Community Hospital, Respondent called 911 and thereafter spoke to Patricia Latta, an NPD clerk. Respondent asked Ms. Latta to send police personnel to unlock his personal vehicle.

7. Ms. Latta informed Respondent that, pursuant to NPD policy, the police did not respond to requests to unlock cars unless it was an emergency, such as when a child is locked inside the vehicle. Ms. Latta offered to contact a local automotive garage to assist Respondent.

8. Respondent replied that the police had “done this before for me,” and then said in a raised voice, “I am Judge Abbott of Palmyra and I just won’t do any arraignments for you anymore.”

9. Ms. Latta felt intimidated by Respondent, told NPD Sergeant Michael Patton about the call and asked Sgt. Patton to assist Respondent with his locked vehicle.

10. Sgt. Patton left the police facility and drove to Respondent’s location at the hospital. Pursuant to NPD policy to document the whereabouts of NPD officers, Ms. Latta notified the local 911 dispatcher that Sgt. Patton was responding to Respondent’s call for assistance with his car.

11. At the hospital parking lot, Sgt. Patton was unable to unlock Respondent’s car. Sgt. Patton then called a second officer, who arrived soon thereafter and unlocked the vehicle. Sgt. Patton spent approximately 20 minutes with Respondent before the car was unlocked.

12. By reason of the foregoing, Respondent 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, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain 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; failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and comply with the law and failed 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 lent the prestige of judicial office to advance his own private

interest, in violation of Section 100.2(C) of the Rules; and failed to conduct his extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that he failed to conduct his extra-judicial activities so that they would not detract from the dignity of judicial office or interfere with the proper performance of judicial duties and are not incompatible with judicial office, in violation of Sections 100.4(A)(2) and (3) of the Rules.

Additional Factors

13. Respondent recognizes that identifying himself to the police as a town justice while making a personal request for assistance with his personal vehicle was wrong.

14. Respondent recognizes that a willful refusal to conduct arraignments would be prejudicial to the administration of justice, and that his threat out of pique not to conduct arraignments was wrong and undermined public confidence in the courts, even if he did not intend to carry it out.

15. Respondent avers, and the Administrator has no evidence to the contrary, that at the time of his call to the police, Respondent was experiencing physical irritation as a result of a recent medical procedure. Respondent acknowledges that notwithstanding any discomfort associated with the procedure, his actions and statements were improper.

16. Respondent was previously censured by the Commission in 1989 for soliciting an affidavit from a witness in a case pending in another court on behalf of the defendant's counsel, who was a friend of the judge.


17. Respondent has been cooperative with the Commission throughout its

inquiry and regrets his failure to abide by the Rules in this matter. He pledges to conduct himself in accordance with the Rules for the remainder of his tenure as a judge.

IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Censure based upon the judicial misconduct set forth above.


IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, the Respondent or the Administrator and Counsel to the Commission.

Dated: *January 15, 2019*



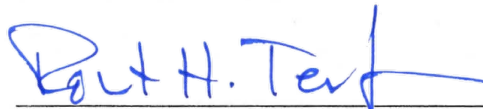
Honorable William E. Abbott
Respondent

Dated: *January 15, 2019*



James I. De Point
Attorney for Respondent

Dated: January 22, 2019



Robert H. Tembeckjian
Administrator & Counsel to the Commission
(John J. Postel and David M. Duguay, Of Counsel)