

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

BEVERLY J. LA CLAIR,

a Justice of the Constable Town Court,  
Franklin County

**STIPULATION**

\_\_\_\_\_ X  
IT IS HEREBY STIPULATED AND AGREED by and between ROBERT H. TEMBECKJIAN, ESQ., Administrator and Counsel to the Commission ("Commission"), and HONORABLE BEVERLY J. LA CLAIR ("respondent"), as follows:

1. This Stipulation is presented to the Commission in connection with a formal proceeding presently pending against respondent.
2. Respondent, who is not an attorney, is 57 years old and has served as a Justice of the Constable Town Court since January 1, 2001. Her current term of office expires December 31, 2004. Her judicial salary is \$3,000.
3. Respondent was served with a Superceding Formal Written Complaint, dated March 18, 2003, alleging, inter alia, that she engaged in inappropriate ex parte communications; that she sentenced a defendant without a guilty plea or a trial; that she mishandled several cases; that she failed to appreciate her proper judicial role; and, that she suffers from physical infirmities which render her unable to fully perform her judicial duties. Respondent submitted an Answer in which she admitted in part, and denied, in part, the allegations of the charges. The Commission designated David M. Garber, Esq., as referee to hear and report to the Commission concerning the charges. The referee scheduled a hearing, which began on August 25, 2003.
4. Respondent tenders her resignation on August 26, 2003, the date of this Stipulation, effective immediately. Respondent's resignation will be submitted to the Constable Town Clerk and the Office of Court Administration today, August 26, 2003. A copy of respondent's letter of resignation is appended to this Stipulation.

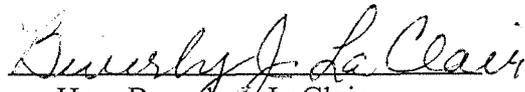
5. Pursuant to law, the Commission has 120 days from the date of a judge's resignation to complete the proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

6. The parties to this Stipulation respectfully request that the Commission close the pending matter based on: (a) respondent's acknowledgment, by this Stipulation, that she cannot successfully defend the charges pending against her and (b) other relevant factors, including respondent's health.

7. Respondent affirms that she will neither seek nor accept judicial office at any time in the future.

8. Respondent waives confidentiality as provided by Section 45 of the Judicial Law to the limited extent that this Stipulation will be made public if approved by the Commission. All parties to this Stipulation agree that under the present circumstances and in view of respondent's present medical condition, this resolution of the pending matter is in the best interest of the respondent and the public.

Dated: August 26, 2003

  
Hon. Beverly J. LaClair  
Respondent

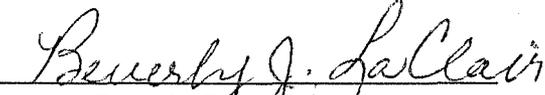
Dated: August 26, 2003

  
Robert H. Tembeckjian, Esq.,  
Administrator and Counsel to the  
Commission  
by Cathleen S. Cenci, Esq., of Counsel

August 26, 2003

TO: TOWN CLERK, TOWN OF CONSTABLE

I, Beverly J. LaClair, hereby tender my resignation as Constable Town Justice, effective immediately.

  
Beverly J. LaClair