

STATE OF NEW YORK  
STATE COMMISSION ON JUDICIAL CONDUCT

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: In the Matter of :  
: :  
: JOSEPH PILATO, :  
: : DETERMINATION  
: A Judge of the Family Court, :  
: County of Monroe. :  
: :  
-----X

STATE COMMISSION ON  
JUDICIAL CONDUCT

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JUDICIAL CONDUCT IN THE MATTER OF MONROE  
COUNTY FAMILY COURT JUDGE JOSEPH PILATO

PRELIMINARY STATEMENT

This Determination of the State Commission on Judicial Conduct (hereinafter the "Commission") is submitted in accordance with Article IV, Section 22k, of the Constitution of the State of New York, and Article 2-A of the Judiciary Law for transmittal by the Chief Judge of the Court of Appeals to Joseph Pilato, a judge of the Family Court, County of Monroe.

JUDGE PILATO'S INTEMPERATE AND INJUDICIOUS CONDUCT

Joseph Pilato is a judge of the Family Court of Monroe County. He first took office on January 1, 1970. His term of office expires on December 31, 1979.

Pursuant to Section 43, subdivision 1, of the Judiciary Law, the present investigation of Judge Pilato commenced in July 1975, after a letter of complaint based on court observations by the Church Women United of Rochester was forwarded to the Temporary State Commission on Judicial Conduct. The complaint alleged that Judge Pilato called persons before him by their first names, lectured in a derogatory manner to juveniles, exhibited anger in the courtroom, and was impatient, temperamental and unfair. In the course of the investigation, the temporary Commission ascertained that in one case Judge Pilato deliberately made conflicting rulings simultaneously.

Pursuant to Section 43, subdivision 3, of the Judiciary Law, Judge Pilato appeared with counsel before a panel of the members of the temporary Commission in New York City on January 30, 1976. Subsequently he was served with a Formal Written Complaint and waived his right to a hearing, stipulating that his testimony of January 30, 1976, could be considered by the Commission.

In his testimony of January 30, 1976, and in a subsequent affidavit dated February 19, 1976, Judge Pilato acknowledged several of the allegations. The Commission has sustained the following charges of the Formal Written Complaint:

From November 15, 1973 to March 6, 1975, in the case of Salinas v. Colunio, Judge Pilato deliberately made conflicting rulings simultaneously.

During 1974, Judge Pilato exhibited anger and impatience at attorneys in his courtroom during various proceedings before him.

On or about April 14, 1975, and on other occasions, Judge Pilato improperly addressed respondents appearing before him referring to them by informal names and nicknames and made undignified remarks to respondents in court.

CONCLUSION

By his conduct in court, Judge Pilato was in violation of Sections 33.1, 33.2 and 33.3 of the Rules of the Administrative Board of the Judicial Conference which read in part as follows:

Every judge . . . shall himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. [Section 33.1]

A judge shall respect and comply with the law and shall conduct himself at all times in a manner that promotes public confidence in the integrity of the judiciary. [Section 33.2(a)]

A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity . . . . [Section 33.3 (a)(3)]

PUBLIC CENSURE

By reason of the foregoing, in accordance with Article VI, Section 22k, of the Constitution of the State of New York, and Section 43, subdivision 7, of the Judiciary Law, the State Commission on Judicial Conduct has determined that Judge Pilato be publicly censured.

Dated: January 25, 1978

APPEARANCES:

Gerald Stern (Lester C. Goodchild, Of Counsel) for the Commission

Joseph Pilato, *Pro Se*