

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

LEON F. TAGGART,

a Justice of the Bath Town and Village Courts,
Steuben County.

Determination

THE COMMISSION:

Henry T. Berger, Esq., Chair
Jeremy Ann Brown
Stephen R. Coffey, Esq.
Lawrence S. Goldman, Esq.
Christina Hernandez, M. S. W.
Honorable Daniel W. Joy
Honorable Daniel F. Luciano
Honorable Frederick M. Marshall
Honorable Juanita Bing Newton
Alan J. Pope, Esq.
Honorable Eugene W. Salisbury

APPEARANCES:

Gerald Stern for the Commission

Rossettie, Rossettie & Martino (By Richard P. Rossettie) for Respondent

The respondent, Leon F. Taggart, a justice of the Bath Town Court and the Bath Village Court, Steuben County, was served with a Formal Written Complaint dated March 12, 1999, alleging that he made inappropriate personal comments during a criminal case. Respondent filed an answer dated April 7, 1999.

On May 28, 1999, 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 on the agreed upon facts, jointly recommending that respondent be admonished and waiving further submissions and oral argument.

On June 3, 1999, the Commission approved the agreed statement and made the following determination.

1. Respondent has been a justice of the Unified Court System since 1985.
2. On February 28, 1998, respondent presided over People v William Walker, in which the 16-year-old defendant was charged with Disorderly Conduct at Haverling High School.
3. While seated at the bench, respondent spoke to Henry Ballis, the director of a residence for boys in need of supervision who was appearing as the defendant's guardian. Referring to persons involved in the case, respondent said, "[T]his lady can be a bitch, and the teacher is an ass. He's the same one that my kid had a problem with a couple of years ago." The defendant, a student at Haverling High School, was seated in the courtroom and overheard respondent's remark.

4. By “this lady,” respondent was referring to Marion Tunney, the principal of the high school; by “the teacher,” he was referring to Dean Rossman, a math teacher at the school who was a witness to the incident that led to the charge against the defendant.

5. Respondent wanted Mr. Ballis to know respondent’s opinion of Ms. Tunney and Mr. Rossman. The comments were based on respondent’s sole experience with them three years earlier. The principal had enforced a rule against non-students attending a school dance; the teacher and respondent had a disagreement concerning the participation of respondent’s son in a scholastic sport.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated the Rules Governing Judicial Conduct, 22 NYCRR 100.1, 100.2(A) and 100.3(B)(3). Charge I of the Formal Written Complaint is sustained insofar as it is consistent with the findings herein, and respondent’s misconduct is established.

Respondent’s personal experiences and views of two of the persons involved in a case before him had no place in the courtroom. His intemperate remarks cast doubt on his ability to impartially hear the case and, thus, compromised the proper administration of justice. (See, Matter of Going, 1998 Ann Report of NY Commn on Jud Conduct, at 129).

The language that he employed was unbecoming a judge, especially during a court proceeding. (See, Matter of Mahon, 1997 Ann Report of NY Commn on Jud Conduct, at 104).

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

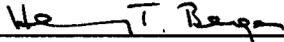
Mr. Berger, Ms. Brown, Mr. Coffey, Mr. Goldman, Ms. Hernandez, Judge Joy, Judge Newton and Mr. Pope concur.

Judge Luciano, Judge Marshall and Judge Salisbury were not present.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct, containing the findings of fact and conclusions of law required by Section 44, subdivision 7, of the Judiciary Law.

Dated: September 15, 1999


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