

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

LOUIS P. VIOLANTI,

STIPULATION

an Associate Judge of the
Lackawanna City Court, Erie County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct, and the Honorable Louis P. Violanti (“Respondent”) and his attorney Rodney O. Personius, of Personius Melber LLP:

1. Respondent was admitted to the practice of law in New York in 2000. He had served as an Associate Judge of the Lackawanna City Court, Erie County, from May 2007 to March 2013, when he resigned while under investigation for misconduct that later resulted in his suspension from the practice of law for two years.¹ Respondent returned to the Lackawanna City Court bench on March 1,

¹ The 2013 misconduct involved Respondent’s actions as a judge. He resigned in 2013 before disciplinary proceedings could be concluded, and without stipulating that he would never return to the bench. The current proceeding involves the same conduct that was at issue in 2013. Had Respondent been removed from office in 2013, he would have been ineligible to return to judicial office at any time, pursuant to Article VI, Section 22(h) of the Constitution.

2024, by appointment of the mayor. His current term expires on February 28, 2030.

2. Respondent was served with a Formal Written Complaint dated August 12, 2024, which is appended as Exhibit A. He filed an Answer dated September 13, 2024, which is appended as Exhibit B.

3. Both the Administrator and Respondent made applications to the Commission that were decided on December 12, 2024. The Commission (A) denied Respondent's request that the Formal Written Complaint be dismissed, (B) granted the Administrator's motion for summary determination, sustained the charge in the Formal Written Complaint and determined that Respondent's misconduct was established. The Commission set a schedule for briefs and calendared oral argument on the issue of sanction for January 30, 2025. The applications are appended as Exhibits C, C-1 and C-2. The Commission's Decision and Order is appended as Exhibit C-3.

4. Respondent is aware that the Administrator would recommend to the Commission that Respondent be removed from office.

5. The parties enter into this Stipulation in lieu of submitting briefs and appearing for oral argument.

6. Respondent has tendered his letter of resignation, a copy of which is appended as Exhibit D, stating that he will vacate judicial office on January 23, 2025.

7. Pursuant to Section 47 of the Judiciary Law, the Commission may continue with proceedings against a judge who has resigned and, if it so determines, render and file a determination that the judge should be removed from office. Pursuant to Article VI, section 22(h) of the Constitution, a judge who is removed from office “shall be ineligible to hold other judicial office.”

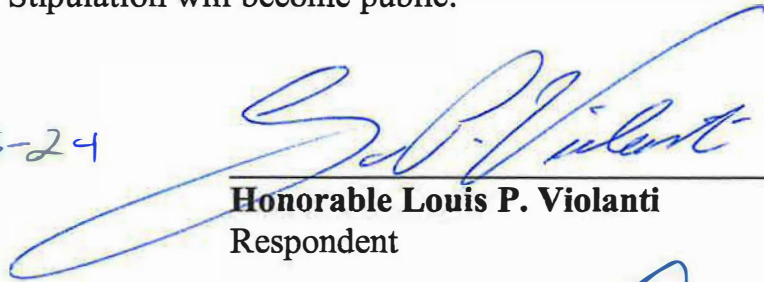
8. Respondent affirms that, he will vacate his judicial office at the close of business on January 23, 2025, he will neither seek nor accept judicial office at any time in the future.

9. Respondent understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time in the future, the present proceedings before the Commission would be revived, the parties would be directed to submit briefs and appear for oral argument on the issue of sanction.

10. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

11. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (A) this Stipulation will become public upon being signed by the signatories below, and (B) the Commission's Decision and Order regarding this Stipulation will become public.

Dated: 12-26-24



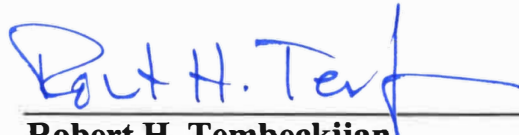
Honorable Louis P. Violanti
Respondent

Dated: 12/27/24



Rodney O. Personius
Personius Melber LLP
Attorney for Respondent

Dated: January 2, 2025



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

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

LOUIS P. VIOLANTI,

an Associate Judge of the
Lackawanna City Court, Erie County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Louis P. Violanti, an Associate Judge of the Lackawanna City Court, Erie County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604, with his verified Answer to the specific paragraphs of the Complaint.

Dated: August 12, 2024
Albany, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

To: Rodney O. Personius, Esq.
Personius Melber LLP
2100 Main Place Tower
350 Main Street
Buffalo, New York 14202

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

**FORMAL
WRITTEN COMPLAINT**

LOUIS P. VIOLANTI,

an Associate Judge of the
Lackawanna City Court, Erie County.

1. Article VI, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon Louis P. Violanti (“Respondent”), an Associate Judge of the Lackawanna City Court, Erie County.
3. The factual allegations set forth in Charge I state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).
4. Respondent was admitted to the practice of law in New York in 2000. He has been an Associate Judge of the Lackawanna City Court, Erie County, since March 1, 2024, having previously served in that position from May 2007 to March

2013, when he resigned while under investigation for misconduct. Respondent's current term expires on February 28, 2030.

CHARGE I

5. On or about January 11, 2013, while serving as Associate Judge of the Lackawanna City Court, Respondent arranged and presided in court over a sham proceeding, during which *inter alia* he engaged in a colloquy on the record with a police officer who he knew was impersonating a defendant. The defendant, Daniel E. Endress, who was an acquaintance of Respondent's, was not present and had not submitted any evidence concerning the unclassified misdemeanor traffic offense with which he had been charged. No prosecutor was present.

6. Following the sham proceeding, and on the basis of fictitious evidence, Respondent dismissed the charge against Mr. Endress. Consequently, on or about February 7, 2014, Respondent was suspended from the practice of law by the Appellate Division, Fourth Department, which *inter alia* found that his actions in connection with the sham proceeding constituted "serious misconduct."

Specifications to Charge I

7. On or about December 7, 2012, an officer of the Lackawanna Police Department issued a simplified traffic information to Daniel E. Endress, an acquaintance of Respondent's, charging him with operating a motor vehicle with a suspended registration (Vehicle and Traffic Law § 512), an unclassified

misdemeanor. The ticket was returnable before Lackawanna City Court Judge Frederic J. Marrano on or about January 14, 2013.

8. On or about December 24, 2012, at a social event, Respondent spoke with Mr. Endress, who mentioned the pending traffic ticket. Respondent took the ticket and stated that he would “take care of it.”

9. On or about January 11, 2013, at Respondent’s request, John Hruby, a Lackawanna police officer assigned to Respondent’s courtroom for security, posed as Mr. Endress in an appearance on the record. Respondent and the court officer engaged in a sham colloquy, during which Officer Hruby, masquerading as the defendant, submitted documents to Respondent purporting to establish that the suspended registration was the result of an insurance company error. At no time during this sham proceeding did a prosecutor or the actual defendant appear or submit documentation regarding the insurance coverage for the vehicle in question.

10. On or about January 11, 2013, following the colloquy between Respondent and Officer Hruby, Respondent stated from the bench that, “in anticipation of what the District Attorney’s Office would do,” he was dismissing the traffic ticket in the interest of justice.

11. A transcript of the sham proceeding of January 11, 2013, which was audio recorded, is appended as Exhibit 1.

12. In or about March 2013, after learning that he was under investigation for his conduct in the *Endress* matter, Respondent resigned his position as Associate Judge in the Lackawanna City Court but did not stipulate or otherwise commit never to seek or accept judicial office in the future.¹

13. In an Opinion dated February 7, 2014, the Appellate Division, Fourth Department, concluded that by his admitted actions in connection with dismissing the charge against Mr. Endress, Respondent violated the Rules of Professional Conduct, in that *inter alia* he engaged in illegal, dishonest, and deceitful conduct that was prejudicial to the administration of justice.² The Court further concluded that Respondent had “committed serious misconduct” and should be suspended from the practice of law for a minimum of two years. A copy of the court’s Opinion is appended as Exhibit 2.

14. In accordance with its Opinion, the Appellate Division issued an Order, dated February 7, 2014, finding Respondent “guilty of professional

¹ The Commission’s jurisdiction over Respondent in 2013 ended shortly after he resigned from office, pursuant to Section 47 of the Judiciary Law. Had Respondent been removed from office in 2013, he would have been ineligible to hold judicial office in the future, pursuant to Article VI, Section 22(h) of the Constitution. The Commission’s jurisdiction over Respondent resumed in March 2024 upon his return to judicial office, pursuant to Article VI, Section 22, of the Constitution.

² The Appellate Division Opinion cited Rules 8.4(b) (engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer), 8.4(c) (engaging in conduct involving dishonesty, deceit or misrepresentation), 8.4(d) (engaging in conduct that is prejudicial to the administration of justice), and 8.4(h) (engaging in conduct that adversely reflects on his fitness as a lawyer). The Rules of Professional Conduct may be found at 22 NYCRR Part 1200.

misconduct,” and, *inter alia*, ordering that for a period of two years and until further order of the court, Respondent was “to desist and refrain from the practice of law in any form” and was “forbidden to appear as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority, or to give another an opinion as to the law or its application, or any advice with relation thereto.” A copy of the Appellate Division, Fourth Department, Order is appended as Exhibit 3.

15. In or about March 2016, the term of Respondent’s suspension as an attorney ended, and he returned to the practice of law.

16. On or about March 1, 2024, Respondent was appointed by the Mayor of Lackawanna as Associate Judge of the Lackawanna City Court, for a term ending on or about February 28, 2030.

17. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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 allowed a social or other relationship to influence his judicial conduct or judgment, in violation of Section 100.2(B) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to perform judicial duties without bias or prejudice in favor of any person, in violation of Section 100.3(B)(4) of the Rules, failed to accord to every person who has a legal interest in a proceeding the right to be heard according to law, and initiated, permitted or considered *ex parte* communications, or considered other communications made to him outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules, failed to dispose of all judicial matters fairly, in violation of Section 100.3(B)(7) of the Rules, failed to require staff, court officials, and others subject to his direction and control to observe the standards of fidelity and diligence that apply to a judge and to refrain from manifesting bias or prejudice in the performance of their official duties, in violation of Section 100.3(C)(2) of the Rules, and failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including instances where he has a personal bias or prejudice concerning a party, in violation of Section 100.3(E)(1)(a) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: August 12, 2024
Albany, New York



ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

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

VERIFICATION

LOUIS P. VIOLANTI,

an Associate Judge of the
Lackawanna City Court, Erie County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF ALBANY)


ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.



Robert H. Tembeckjian

Sworn to before me this
12th day of August 2024


Notary Public

Marisa Harrison Santos
Notary Public, State of New York
No. 01SA0003835
Qualified in Albany County
Commission Expires March 27, 2027

**LACKAWANNA CITY COURT
ERIE COUNTY STATE OF NEW YORK**

----- -X

THE PEOPLE OF THE STATE OF NEW YORK

- vs -

DANIEL E. ENDRESS

----- -X

Lackawanna City Court
Lackawanna City Hall
714 Ridge Road
Lackawanna, New York

January 11, 2013
10:54 AM

B e f o r e:

HON. LOUIS P. VIOLANTI
Judge

P r e s e n t:

JOHN HRUBY
Lackawanna Police Officer

CHERYL MINGARELLI
Sr. Court Office Assistant

(DEFENDANT WAS NOT PRESENT)

(People v Daniel Endress, before Hon. Louis P. Violanti, January 11, 2013)

1 **10:54:25**

2 MS. MINGARELLI: People versus Daniel E. Endress, docket number
3 201222831, for an arraignment.

4 JUDGE VIOLANTI: Okay. Sir, you're Mr. Endress?

5 OFCR HRUBY: Yes, I am.

6 JUDGE VIOLANTI: Okay. This is originally scheduled for January
7 15, 2013. You came in today for what, sir?

8 OFC. HRUBY: I have the court, present the paperwork to you
9 that I had insurance on the vehicle then, and
10 now, with no lapses. It was a mistake on the part
11 of the insurance company.

12 JUDGE VIOLANTI: Okay. Let me see what you have.

13 OFC. HRUBY: Pass this up, please?

14 MS. MINGARELLI: Sure.

15 JUDGE VIOLANTI: Okay. Thank you. Okay. So, what, what I don't
16 understand is why you're here now.

17 OFC. HRUBY: I have three children at home. I have to work
18 two jobs to make ends meet, and Mr. Obama's
19 taking two more percent of my money, and now
20 I gotta work (unintelligible)--

21 JUDGE VIOLANTI: Okay, we don't, we don't have to get political,
22 sir. Let's just stick to the facts--

23 OFC. HRUBY: Well, well-- I work the docks in the morning;
24 it's hard for me to get here, so I was wondering
25 if we could get this taken care of. We've got a

(People v Daniel Endress, before Hon. Louis P. Violanti, January 11, 2013)

1 lot of ships coming in from Cleveland.

2 JUDGE VIOLANTI: Okay. Based on the foregoing, and in
3 anticipation of what the District Attorney's
4 office would do in this situation, anyway, I don't
5 think I'm out of bounds by dismissing this case
6 in the interest of justice. Good luck, sir.

7 OFC. HRUBY: Thank you.

8

9 *(OFF THE RECORD)*

10 **10:55:53**

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CERTIFICATION

I, KATHRYN TRAPANI, Executive Assistant to the Deputy Administrator of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: June 4, 2024



Kathryn Trapani

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

MATTER OF LOUIS P. VIOLANTI, AN ATTORNEY, RESPONDENT. GRIEVANCE COMMITTEE OF THE EIGHTH JUDICIAL DISTRICT, PETITIONER. -- Order of suspension entered. Per Curiam Opinion: Respondent was admitted to the practice of law by this Court on June 21, 2000, and maintains an office in Lackawanna. The Grievance Committee filed a petition alleging that respondent engaged in misconduct while he was an Associate Judge of the Lackawanna City Court, a position held by respondent from May 2007 through March 2013. Respondent filed an answer admitting material allegations of the petition and setting forth matters in mitigation, and he subsequently appeared before this Court and was heard in mitigation.

Respondent admits that, on December 7, 2012, the Lackawanna Police Department issued to an acquaintance of respondent a simplified traffic information charging the acquaintance with operating a motor vehicle with a suspended registration (Vehicle and Traffic Law § 512), an unclassified misdemeanor. Respondent further admits that, on December 24, 2012, he spoke with the acquaintance at a social event and, when the acquaintance mentioned the traffic ticket, respondent took the ticket and stated that he would "take care of it." Respondent admits that, on January 11, 2013, at respondent's request, a court officer assigned to respondent's courtroom appeared before respondent posing as the acquaintance. Respondent additionally admits that the court officer and respondent engaged in a colloquy on the record indicating that the acquaintance was submitting to respondent certain documents establishing that the alleged suspended registration was the result of an insurance company error. Following that colloquy, respondent from the bench stated that he was dismissing the traffic ticket in the interest of justice, remarking that the prosecutor, who was not present, would have agreed to dismissal of the matter. Respondent admits in this proceeding that the acquaintance neither appeared in respondent's court nor submitted documentation regarding the insurance coverage for the vehicle in question. In March 2013, after the Office of Court Administration commenced an investigation into respondent's conduct at issue in this proceeding, respondent resigned his position as Associate Judge.

We conclude that respondent has violated the following Rules of Professional Conduct:

rule 8.4 (b) (22 NYCRR 1200.0) - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer;

rule 8.4 (c) (22 NYCRR 1200.0) - engaging in conduct involving dishonesty, deceit or misrepresentation;

rule 8.4 (d) (22 NYCRR 1200.0) - engaging in conduct that is prejudicial to the administration of justice; and

rule 8.4 (h) (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on his fitness as a lawyer.

We have considered, in determining an appropriate sanction, the matters submitted by respondent in mitigation, including his longtime and substantial community involvement, as well as the fact that he derived no personal benefit from the misconduct. We have further considered that, when he became aware of the investigation initiated by the Office of Court Administration, respondent resigned from his judicial position and advised all parties involved to cooperate fully in the investigation.

Finally, we have considered respondent's expression of remorse to this Court, which we find to be sincere. Respondent, however, has committed serious misconduct. Accordingly, after consideration of all of the factors in this matter, we conclude that respondent should be suspended from the practice of law for a period of two years and until further order of the Court.

PRESENT: SMITH, J.P., FAHEY, CARNI, AND SCONIERS, JJ. (Filed Feb. 7, 2014.)

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

PRESENT: SMITH, J.P., FAHEY, CARNI, AND SCONIERS, JJ.

MATTER OF LOUIS P. VIOLANTI, AN ATTORNEY, RESPONDENT.

GRIEVANCE COMMITTEE OF THE EIGHTH JUDICIAL DISTRICT, PETITIONER.

(Attorney Registration No. 3051646)

A petition having been filed alleging certain acts of professional misconduct against respondent in his office as an attorney and counselor at law, and respondent having filed an answer admitting material allegations of the petition and having submitted matters in mitigation,

NOW, upon reading and filing the petition of the Grievance Committee of the Eighth Judicial District, verified by Gregory J. Huether, Chief Counsel, on October 9, 2013, and the exhibits annexed thereto with proof of service thereof, the answer of respondent, verified on October 21, 2013, the statement of Michael M. Mohun, dated November 19, 2013, the memorandum of Roderick Quebral, dated November 26, 2013, and after hearing Roderick Quebral, of counsel for petitioner, Michael M. Mohun, of counsel for respondent, and Louis P. Violanti, respondent, and due deliberation having been had thereon,

This Court finds that respondent is guilty of professional misconduct, and

It is hereby **ORDERED** that the above-named Louis P. Violanti, who was admitted to practice as an attorney and counselor at law by this Court on June 21, 2000, be suspended from the practice of law for a period of two years, and until the further order of this Court, and

It is further **ORDERED** that Louis P. Violanti is commanded for the period of the suspension to desist and refrain from the practice of law in any form, either as a principal or agent, clerk or employee of another, and is hereby forbidden to appear as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice with relation thereto, and

It is further **ORDERED** that Louis P. Violanti shall comply with Rule 1022.27 of the rules of this Court (22 NYCRR 1022.27) governing the conduct of suspended attorneys, and

It is further **ORDERED** that Louis P. Violanti shall immediately surrender to the Office of Court Administration any secure pass issued to him and shall certify that he has done so in the affidavit of compliance filed pursuant to Rule 1022.27 (d) (22 NYCRR 1022.27 [d]).

Per Curiam Opinion which is hereby made a part thereof.

All concur.

Entered: February 7, 2014

FRANCES E. CAFARELL, CLERK

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

LOUIS P. VIOLANTI,

an Associate Judge of the
Lackawanna City Court, Erie County.

Judge's Home Address

In the event that a determination of the Commission on Judicial Conduct is made in the above matter requiring transmittal to the Chief Judge and service upon the judge in accordance with Judiciary Law § 44, subd. 7, the Court of Appeals has asked the Commission to provide the judge's home address.

Judge's Home Address

Request and Authorization to Notify Judge's Attorney of Determination

In the event that a determination of the Commission on Judicial Conduct is made in the above matter requiring transmittal to the Chief Judge and service upon me in accordance with Judiciary Law § 44, subd. 7, the undersigned judge or justice:

(1) requests and authorizes the Chief Judge to cause a copy of my notification letter and a copy of the determination to be sent to my attorney(s) by mail:

Attorney's Name, Address, Telephone

(2) requests and authorizes the Clerk of the Commission to transmit this request to the Chief Judge together with the other required papers.

This request and authorization shall remain in force unless and until a revocation in writing by the undersigned judge or justice is received by the Commission.

Dated:

Signature of Judge or Justice

Acknowledgment:

Signature of Attorney for Judge or Justice

SEND TO: Clerk of the Commission
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006

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

LOUIS P. VIOLANTI,

VERIFIED ANSWER

an Associate Judge of the Lackawanna City Court,
Erie County.

Hon. Louis P. Violanti, Associate Judge, by and through his attorneys, Personius Melber LLP, as and for his Verified Answer to the Formal Written Complaint sets forth the following upon information and belief:

1. Article VI, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a Judge.

RESPONSE #1: Respondent **admits** the allegations contained in this paragraph.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Louis P. Violanti (“Respondent”), an Associate Judge of the Lackawanna City Court, Erie County.

RESPONSE #2: Respondent **admits** the allegations contained in this paragraph.

3. The factual allegations set forth in Charge I state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).

RESPONSE #3: Respondent **admits** the allegations contained in this paragraph.

4. Respondent was admitted to the practice of law in New York in 2000. He has been an Associate Judge of the Lackawanna City Court, Erie County, since March 1, 2024, having previously served in that position from May 2007 to March 2013, when he resigned while under investigation for misconduct. Respondent’s current term expires on February 28, 2030.

RESPONSE #4: Respondent **admits** the allegations contained in this paragraph.

CHARGE I

5. On or about January 11, 2013, while serving as Associate Judge of the Lackawanna City Court, Respondent arranged and presided over a sham proceeding, during which *inter alia* he engaged in a colloquy on the record with a police officer who he knew was impersonating a defendant. The defendant, Daniel E. Endress, who was an acquaintance of Respondent’s, was not present and had not submitted any evidence concerning the unclassified misdemeanor traffic offense with which he had been charged. No prosecutor was present.

RESPONSE #5: Respondent **admits** the allegations contained in this paragraph.

6. Following the sham proceeding, and on the basis of fictitious evidence, Respondent dismissed the charge against Mr. Endress. Consequently, on or about February 7, 2014, Respondent was suspended from the practice of law by the Appellate Division, Fourth Department, which *inter alia* found that his actions in connection with the sham proceeding constituted “serious misconduct.”

RESPONSE #6: Respondent **admits** the allegations contained in this paragraph, except that Respondent **denies** the charge against Daniel E. Endress was dismissed “on the basis of fictitious evidence.”

Specifications to Charge I

7. On or about December 7, 2012, an officer of the Lackawanna Police Department issued a simplified traffic information to Daniel E. Endress, an acquaintance of Respondent’s, charging him with operating a motor vehicle with a suspended registration (Vehicle and Traffic Law § 512), an unclassified misdemeanor. The ticket was returnable before Lackawanna City Court Judge Frederic J. Marrano on or about March 14, 2013.

RESPONSE #7: Respondent **admits** the allegations contained in this paragraph.

8. On or about December 24, 2012, at a social event, Respondent spoke with Mr. Endress, who mentioned the pending traffic ticket. Respondent took the ticket and stated that he would “take care of it.”

RESPONSE #8: Respondent **admits** the allegations contained in this paragraph.

9. On or about January 11, 2013, at Respondent's request, John Hruby, a Lackawanna police officer assigned to Respondent's courtroom for security, posed as Mr. Endress in an appearance on the record. Respondent and the court officer engaged in a sham colloquy, during which Officer Hruby, masquerading as the defendant, submitted documents to Respondent purporting to establish that the suspended registration was the result of an insurance company error. At no time during this sham proceeding did a prosecutor or the actual defendant appear or submit documentation regarding the insurance coverage for the vehicle in question.

RESPONSE #9: Respondent **admits** the allegations contained in this paragraph, except **denies** that Officer John Hruby "submitted documents to Respondent purporting to establish that the suspended registration was the result of an insurance company error."

10. On or about January 11, 2013, following the colloquy between Respondent and Officer Hruby, Respondent stated from the bench that, "in anticipation of what the District Attorney's Office would do," he was dismissing the traffic ticket in the interest of justice.

RESPONSE #10: Respondent **admits** the allegations contained in this paragraph.

11. A transcript of the sham proceeding of January 11, 2013, which was audio recorded, is appended as Exhibit 1.

RESPONSE #11: Respondent **admits** the allegations contained in this paragraph.

12. In or about March 2013, after learning that he was under investigation for his conduct in the *Endress* matter, Respondent resigned his position as Associate Judge in the Lackawanna City Court but did not stipulate or otherwise commit never to seek or accept judicial office in the future.¹

RESPONSE #12: Respondent **admits** the allegations contained in this paragraph, except **denies** the allegation in footnote 1 that the cessation of the Commission’s jurisdiction over Respondent in 2013 was “shortly after” Respondent resigned from office, and also **denies** that the “Commission’s jurisdiction over Respondent resumed in March 2024 upon his return to judicial office, pursuant to Article VI, Section 22, of the Constitution.”

13. In an Opinion dated February 7, 2014, the Appellate Division, Fourth Department, concluded that by his admitted actions in connection with dismissing the charge against Mr. Endress, Respondent violated the Rules of Professional Conduct, in that *inter alia* he engaged in illegal, dishonest, and deceitful conduct that was prejudicial to the administration of justice.²

1 The Commission’s jurisdiction over Respondent in 2013 ended shortly after he resigned from office, pursuant to Section 47 of the Judiciary Law. Had Respondent been removed from office in 2013, he would have been ineligible to hold judicial office in the future, pursuant to Article VI, Section 22(h) of the Constitution. The Commission’s jurisdiction over the Respondent resumed in March 2024 upon his return to judicial office, pursuant to Article VI, Section 22, of the Constitution.

2 The Appellate Division Opinion cited Rules 8.4(b) (engaging in illegal conduct that adversely reflects on his honesty, trustworthiness, or fitness as a lawyer), 8.4(c) (engaging in conduct that is prejudicial to the administration of justice), and 8.4(h) (engaging in conduct that adversely reflects on his fitness as a lawyer). The Rules of Professional Conduct may be found at 22 NYCRR Part 1200.

The Court further concluded that Respondent had “committed serious misconduct” and should be suspended from the practice of law for a minimum of two years. A copy of the court’s Opinion is appended as Exhibit 2.

RESPONSE #13: Respondent **admits** the allegations contained in this paragraph, including the statements in footnote 2.

14. In accordance with its Opinion, the Appellate Division issued an Order, dated February 7, 2014, finding Respondent “guilty of professional misconduct,” and, *inter alia*, ordering that for a period of two years and until further order of the court, Respondent was “to desist and refrain from the practice of law in any form” and was “forbidden to appear as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority, or to give another an opinion as to the law or its application, or any advice with relation thereto.” A copy of the Appellate Division, Fourth Department, Order is appended as Exhibit 3.

RESPONSE #14: Respondent **admits** the allegations contained in this paragraph.

15. In or about March 2016, the term of Respondent’s suspension as an attorney ended, and he returned to the practice of law.

RESPONSE #15: Respondent **admits** the allegations contained in this paragraph.

16. On or about March 1, 2024, Respondent was appointed by the Mayor of Lackawanna as Associate Judge of the Lackawanna City Court, for a term ending on or about February 28, 2030.

RESPONSE #16: Respondent **admits** the allegations contained in this paragraph.

17. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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 allowed a social or other relationship to influence his judicial conduct or judgment, in violation of Section 100.2(B) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to perform judicial duties without bias or prejudice in favor of any person, in violation of Section 100.3(B)(4) of the Rules, failed to accord to every person who has a legal interest in a proceeding of the right to be heard according to law, and initiated, permitted or considered *ex parte* communications, or considered other communications made to him outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section

100.3(B)(6) of the Rules, failed to dispose of all judicial matters fairly, in violation of Section 100.3(B)(7) of the Rules, failed to require staff, court officials, and others subject to his direction and control to observe the standards of fidelity and diligence that apply to a judge and to refrain from manifesting bias or prejudice in their performance of their official duties, in violation of Section 100.3(C)(2) of the Rules, and failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including instances where he has a personal bias or prejudice concerning a party, in violation of Section 100.3(E)(1)(a) of the Rules.

RESPONSE #17: Respondent **admits** the allegations contained in this paragraph, except **denies**, on jurisdictional grounds, that “Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a) of the Constitution and Section 44, subdivision 1, of the Judiciary Law.”

FURTHER ANSWERING THE COMPLAINT

18. Respondent **denies** all remaining allegations set forth in the Formal Written Complaint not specifically addressed in paragraphs 1 through 17, above.

FIRST AFFIRMATIVE DEFENSE: **LACK OF JURISDICTION**

19. Judiciary Law Section 47 grants the Commission on Judicial Conduct and the Court of Appeals jurisdiction to remove a resigned judge for a period of 120 days after the date of resignation from judicial office.

20. Pursuant to Section 47, the Commission has 120 days from a judge's resignation to complete proceedings and, if it so concludes, render and file a determination that the judge should be removed from office.

21. The fact that a particular Judge may no longer hold judicial office at the time removal is sought or recommended by the Commission, due to the Judge's post-misconduct resignation, does not preclude the Commission or the Court of Appeals from exercising its respective disciplinary powers in accordance with the procedure set forth in Judiciary Law Section 47.

22. Respondent formally resigned from his position as an Associate Judge of Lackawanna City Court, Erie County in a letter, dated March 6, 2013, directed to Hon. Paula L. Feroletto, District Administrative Judge. A copy of this correspondence is annexed as **Exhibit A**.

23. The jurisdiction of the Commission over Respondent ended at or about 120 days after Respondent resigned from office pursuant to Section 47 of the Judiciary Law.

24. By virtue of the failure of the Commission to act within the time period provided for in Section 47, the jurisdiction of the Commission with respect to the matters set forth in the Formal Written Complaint has expired and may not now be resurrected.

SECOND AFFIRMATIVE DEFENSE:
UNREASONABLE AND PREJUDICIAL DELAY

25. More than 11 years have passed since the Commission's original investigation of the matters set forth in the Formal Written Complaint.

26. Respondent will suffer substantial actual prejudice if this proceeding is allowed to continue and results in his removal from judicial office.

27. The belated pursuit of this proceeding implicates and risks a violation of Respondent's constitutional right to due process of law.

28. In agreeing to accept the offer of reappointment as an Associate Judge of the Lackawanna City Court, Erie County on or about March 1, 2024, Respondent relied upon the fact the Commission's investigation from 11 years ago, both due to passage of time and the limitations on the Commission's jurisdiction set forth in Judiciary Law Section 47, had for all of time been abandoned.

29. In reliance upon both the passage of time and the jurisdictional limitations articulated in Section 47, Respondent shut down his active private practice of law at an office located at 85 Main Street, Hamburg, NY, which included surrendering a substantial civil law client base, discharging experienced support staff, and foregoing his long-standing referral relationship with other civil practitioners in Western New York.

30. In reliance upon the inaction of the Commission, Respondent determined that the compensation he would earn by virtue of his re-appointment as an Associate Judge of the Lackawanna City Court, Erie County would constitute his primary source of income, to be supplemented by a far more limited part-time private criminal defense practice out of an office located at 43 Court Street, Buffalo, NY.

31. In reliance upon the inactivity of the Commission since his resignation from judicial office in March 2013, and as a precondition to accepting the offered judicial reappointment, Respondent was required to resign from a long-standing position as counsel to the Lackawanna City School District.

32. The advent of the Commission's renewed pursuit of Respondent after the passage

of more than 11 years also poses the specter of damaging adverse publicity arising from a matter which took place over one decade ago.

33. If this proceeding on the part of the Commission continues and results in his removal from judicial office, Respondent will suffer severe financial harm to his substantial prejudice.

THIRD AFFIRMATIVE DEFENSE: **MITIGATION**

34. The wrong committed by Respondent, which forms the basis for this proceeding, directly arises from the manner in which Respondent disposed of the traffic ticket issued to Daniel E. Endress by causing an officer of the Lackawanna Police Department to improperly pose in a public proceeding as Mr. Endress.

35. Without in any way undermining the seriousness of Respondent's misconduct, the outcome of the sham proceeding he orchestrated – the dismissal of the traffic ticket which had been issued to Mr. Endress – represented a usual and customary disposition of a suspended registration charge arising from a mistaken lapse in the vehicle operator's insurance.

36. Respondent voluntarily resigned from his judicial position on or about March 6, 2013, as reflected in **Exhibit A**.

37. He received no financial benefit as a result of his misconduct.

38. Upon learning of the Commission's investigation, Respondent encouraged all witnesses to his misconduct to cooperate with that inquiry.

39. Respondent has a long history of contributing his time and energy to community and religious organizations, including the Lackawanna Chamber of Commerce, the Lackawanna

Citizens Coalition, the Lake Erie Italian Club, ACCESS of Western New York, and St. Anthony of Padua Roman Catholic Church.

40. Charitable activities on the part of Respondent have included participation in a medical missionary trip to Western Africa and the delivery of food to members of the Lackawanna, NY community during weather emergencies.

41. Respondent's public and civic service as a member of the Bar of the State of New York has included acting as the Lackawanna City Prosecutor, counsel to the Lackawanna City School System, a prosecutor in the Erie County District Attorney's Office, exigent substitute felony defense counsel for the Bar Association of Erie County's Assigned Counsel Program, and an instructor for the Paralegal Program of Erie Community College.

42. Respondent has been formally sanctioned for his misconduct, having faced a criminal prosecution which was resolved through an Adjournment in Contemplation of Dismissal, and a formal attorney grievance proceeding, which resulted in his license to practice law being suspended for a period of two years.

43. In fact, the February 7, 2014 decision of the Appellate Division, Fourth Judicial Department, makes the following finding on the subject of mitigation:

We have considered, in determining an appropriate sanction, the matters submitted by respondent in mitigation, including his longtime and substantial community involvement, as well as the fact that he derived no personal benefit from the misconduct. We have further considered that, when he became aware of the investigation initiated by the Office of Court Administration, respondent resigned from his judicial position and advised all parties involved to cooperate fully in the investigation. Finally, we have considered respondent's expression of remorse to this Court, which we find to be sincere.

44. At the time his misconduct was made public, in or about the spring 2013, Respondent was the subject of substantial adverse publicity, which damaged his professional reputation and brought shame and embarrassment to his family.

DATED: Buffalo, New York
September 13, 2024.



Rodney O. Personius, Esq.
PERSONIUS MELBER LLP
Attorneys for Respondent
HON. LOUIS P. VIOLANTI
2100 Main Place Tower
350 Main Street
Buffalo, NY 14202
(716) 855-1050
[REDACTED]

TO: Robert H. Tembeckjian
Administration and Counsel
State Commission Judicial Conduct
61 Broadway, Suite 1200
New York, NY 10006
(646) 386-4800

John J. Postel
Deputy Administrator
NYS Commission on Judicial Conduct
400 Andrews Street, Suite 700
Rochester, NY 14604
(585) 784-4141

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

LOUIS P. VIOLANTI,

VERIFICATION

an Associate Judge of the Lackawanna City Court,
Erie County.

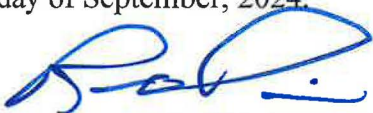
STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
CITY OF BUFFALO)

Hon. Louis P. Violanti, being duly sworn, deposes and says that he is the Respondent in the within action, that he has read the foregoing Verified Answer and knows the contents thereof; that the same is true to deponent's own knowledge except as to those matters therein stated to be alleged upon information and belief, and as to those matters the deponent believes them to be true.



Hon. Louis P. Violanti

Sworn to before me this
13th day of September, 2024.



Notary Public

RODNEY O. PERSONIUS
Notary Public, State of New York
Qualified in Erie County
Commission Expires 3/13/26

EXHIBIT A



LACKAWANNA CITY COURT

714 Ridge Road
Lackawanna, New York 14218

(716) 845-7220

Fax (716) 845-7599

Hon. Frederic J. Marrano
Chief Judge

Hon. Louis P. Violanti
Associate Judge

Lisa Gauthier
Deputy Chief Clerk

March 6, 2013

Honorable Paula L. Feroletto
District Administrative Judge
Eighth Judicial District
92 Franklin Street
Buffalo, New York 14202

Please let this letter serve as a supplement to my letter dated February 28, 2013. I have spoken with City of Lackawanna Mayor Geoffrey M. Szymanski at length regarding said letter. He expressed to me that he would rather appoint the new Associate Judge sooner rather than later. As such, we have mutually agreed that my term as Associate Judge of Lackawanna City Court will expire this Sunday, March 10, 2013, at 11:59 p.m. Mayor Szymanski plans on immediately appointing the new Associate Judge Monday, March 11, 2013.

As I stated in my previous letter, I sincerely thank you for the opportunity to serve the great people of City of Lackawanna, the State of New York, and the Eighth Judicial District. I will always look back on these years as some of the best in my life. I offer you my commitment to make the transition to the new Judge as effortless and seamless as I possibly can.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Louis P. Violanti".

Judge Louis P. Violanti

CC: Honorable Thomas P. Amodeo
Honorable Frederic J. Marrano
Andrew B. Isenberg
Mayor Geoffrey M. Szymanski



EXHIBIT C

NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

400 ANDREWS STREET, SUITE 700
ROCHESTER, NEW YORK 14604

585-784-4141 518-299-1757
TELEPHONE FACSIMILE
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JOHN J. POSTEL
DEPUTY ADMINISTRATOR
M. KATHLEEN MARTIN
DAVID M. DUGUAY
CASSIE M. KOCHER
SENIOR ATTORNEYS
STEPHANIE A. FIX
STAFF ATTORNEY

CONFIDENTIAL

November 1, 2024

VIA PRIORITY MAIL AND EMAIL TO: [REDACTED]

Celia Zahner, Esq.
Clerk of the Commission
NYS Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006

Re: Matter of Louis P. Violanti

Dear Ms. Zahner:

Enclosed please find Commission Counsel's Motion for Summary Determination in the above-referenced matter.

The same is being sent to Respondent's attorney by priority mail and email.

Very truly yours,

John J. Postel
Deputy Administrator

Enclosure

cc: Hon. Louis P. Violanti, c/o Rodney O. Personius, Esq.
VIA PRIORITY MAIL AND EMAIL TO [REDACTED]

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

LOUIS P. VIOLANTI,

an Associate Judge of the
Lackawanna City Court, Erie County.

**NOTICE OF MOTION
FOR SUMMARY
DETERMINATION**

PLEASE TAKE NOTICE that upon the annexed affirmation of John J. Postel, the annexed exhibits, and the Memorandum by Counsel to the Commission, a motion will be heard by the State Commission on Judicial Conduct at 61 Broadway, New York, New York 10006, on the 12th day of December 2024, seeking a summary determination pursuant to 22 NYCRR 7000.6(c) that the Honorable Louis P. Violanti has engaged in judicial misconduct.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are required to be filed with the Commission and served on the undersigned on or before November 18, 2024. Reply papers by Commission Counsel, if any, will be served on or before November 25, 2024.

Dated: November 1, 2024
Rochester, New York

John J. Postel, Esq.
Deputy Administrator
Commission on Judicial Conduct
400 Andrews Street, Suite 700
Rochester, New York 14
(585) 784-4141

TO: Hon. Louis P. Violanti
c/o Rodney O. Personius, Esq., Counsel to Hon. Louis P. Violanti
Personius Melber LLP
2100 Main Place Tower
350 Main Street
Buffalo, New York 14202

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

LOUIS P. VIOLANTI,

an Associate Judge of the
Lackawanna City Court, Erie County.

**AFFIRMATION IN SUPPORT
OF MOTION FOR
SUMMARY DETERMINATION**

JOHN J. POSTEL, an attorney duly authorized to practice in the courts of the State of New York, affirms under the penalties of perjury:

1. I am a Deputy Administrator for the New York State Commission on Judicial Conduct (“Commission”). I submit this affirmation in support of a motion for summary determination in the above-captioned matter.

2. Pursuant to Section 44, subdivision 4, of the Judiciary Law of the State of New York, the Commission directed that a Formal Written Complaint (“Complaint”) be served upon the Honorable Louis P. Violanti (“Respondent”), an Associate Judge of the Lackawanna City Court, Erie County.

3. The Complaint, dated August 12, 2024, contains one charge. The charge alleges that Respondent arranged and presided in court over a sham proceeding with no prosecutor present during which, *inter alia*, he engaged in a colloquy on the record with a police officer who knowingly impersonated the defendant, an acquaintance of Respondent’s who was not present and had not

submitted any evidence concerning the misdemeanor traffic offense with which he had been charged. The charge further alleges that Respondent dismissed the traffic ticket on the basis of fictitious evidence and was subsequently suspended from the practice of law by the Appellate Division, Fourth Department, which found, *inter alia*, that his actions in connection with the sham proceeding constituted “serious misconduct.” A copy of the Complaint and exhibits is annexed as Exhibit A.

4. On August 12, 2024, the Notice of Formal Written Complaint and the Complaint itself were sent to Rodney O. Personius, Esq., counsel to Respondent, by certified mail, return receipt requested. A copy of the certified mailing is annexed as Exhibit B. The certified mailing was delivered on August 14, 2024. United States Postal Service proof of delivery is annexed as Exhibit C. On August 20, 2024, Respondent’s counsel acknowledged by email his receipt of the Complaint and Notice. A copy of the email is annexed as Exhibit D.

5. On September 13, 2024, Respondent filed his Answer. A copy of Respondent’s Answer is annexed as Exhibit E.

6. Respondent’s Answer admitted all of the factual allegations of Charge I, except for two inconsequential denials.¹ Respondent also challenged the

¹ Respondent denied that “the charge against Daniel E. Endress was dismissed ‘on the basis of fictitious evidence,’” and that the court officer posing as the defendant “submitted documents to Respondent purporting to establish that the suspended registration was the result of an insurance company error” (Answer ¶¶ 6, 9). As to the former, in *Matter of Violanti*, 114 AD3d 159 (2014), appended to the Complaint as Exhibit 2, the Appellate Division found that Respondent’s dismissal of the charge was premised upon non-existent evidence. *Id.* at 160. As to the latter,

Commission's jurisdiction. Consequently, there is no genuine issue of as to any material fact and summary determination is appropriate as a matter of law pursuant to section 7000.6(c) of the Commission's Operating Procedures and Rules.

7. Respondent's challenge to the Commission's jurisdiction presents a purely legal question which can be resolved on this motion. The Answer sets forth three affirmative defenses: (1) lack of jurisdiction, (2) unreasonable and prejudicial delay, and (3) mitigation.

8. As set forth more fully in the accompanying Memorandum of Law, the Commission has jurisdiction in this matter, and it is reasonable and appropriate to pursue discipline against Respondent for his admitted acts of misconduct. Respondent's assertion of mitigation is only to sanction and will be addressed in the ordinary course if the Commission grants this motion as provided in the Commission's Operating Procedures & Rules, 22 NYCRR § 7000.6(c).

WHEREFORE, it is respectfully submitted that there is no genuine issue as to any material fact and that summary determination be entered finding that Charge I of the Complaint is sustained, that Respondent has engaged in judicial

Respondent apparently interpreted the words "submitted documents" of paragraph nine of the Complaint literally, notwithstanding that the sham proceeding transcript appended to the Complaint makes clear that there was a mimicked "present[ment]" of paperwork which Respondent asked to see (Complaint, Exhibit A, p 11, lines 8-13). Moreover, Respondent had previously admitted in grievance filings that the police officer masquerading as the defendant during the sham proceeding "pretended to hand up to the Respondent what was purported to be the 'paperwork' to prove the mistake" (See annexed Exhibit F, p 5, paragraph 9, and p 9, paragraph 1).

misconduct, and that a date be set for memoranda to be filed and oral argument to be heard on the issue of sanction.

I affirm this 1st day of November, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: November 1, 2024
Rochester, New York



JOHN J. POSTEL
Deputy Administrator
Commission on Judicial Conduct
400 Andrews Street, Suite 700
Rochester, New York 14604
(585) 784-4141

EXHIBIT A

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

LOUIS P. VIOLANTI,

an Associate Judge of the
Lackawanna City Court, Erie County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Louis P. Violanti, an Associate Judge of the Lackawanna City Court, Erie County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604, with his verified Answer to the specific paragraphs of the Complaint.

Dated: August 12, 2024
Albany, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

To: Rodney O. Personius, Esq.
Personius Melber LLP
2100 Main Place Tower
350 Main Street
Buffalo, New York 14202

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

**FORMAL
WRITTEN COMPLAINT**

LOUIS P. VIOLANTI,

an Associate Judge of the
Lackawanna City Court, Erie County.

1. Article VI, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon Louis P. Violanti (“Respondent”), an Associate Judge of the Lackawanna City Court, Erie County.
3. The factual allegations set forth in Charge I state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).
4. Respondent was admitted to the practice of law in New York in 2000. He has been an Associate Judge of the Lackawanna City Court, Erie County, since March 1, 2024, having previously served in that position from May 2007 to March

2013, when he resigned while under investigation for misconduct. Respondent's current term expires on February 28, 2030.

CHARGE I

5. On or about January 11, 2013, while serving as Associate Judge of the Lackawanna City Court, Respondent arranged and presided in court over a sham proceeding, during which *inter alia* he engaged in a colloquy on the record with a police officer who he knew was impersonating a defendant. The defendant, Daniel E. Endress, who was an acquaintance of Respondent's, was not present and had not submitted any evidence concerning the unclassified misdemeanor traffic offense with which he had been charged. No prosecutor was present.

6. Following the sham proceeding, and on the basis of fictitious evidence, Respondent dismissed the charge against Mr. Endress. Consequently, on or about February 7, 2014, Respondent was suspended from the practice of law by the Appellate Division, Fourth Department, which *inter alia* found that his actions in connection with the sham proceeding constituted "serious misconduct."

Specifications to Charge I

7. On or about December 7, 2012, an officer of the Lackawanna Police Department issued a simplified traffic information to Daniel E. Endress, an acquaintance of Respondent's, charging him with operating a motor vehicle with a suspended registration (Vehicle and Traffic Law § 512), an unclassified

misdemeanor. The ticket was returnable before Lackawanna City Court Judge Frederic J. Marrano on or about January 14, 2013.

8. On or about December 24, 2012, at a social event, Respondent spoke with Mr. Endress, who mentioned the pending traffic ticket. Respondent took the ticket and stated that he would “take care of it.”

9. On or about January 11, 2013, at Respondent’s request, John Hruby, a Lackawanna police officer assigned to Respondent’s courtroom for security, posed as Mr. Endress in an appearance on the record. Respondent and the court officer engaged in a sham colloquy, during which Officer Hruby, masquerading as the defendant, submitted documents to Respondent purporting to establish that the suspended registration was the result of an insurance company error. At no time during this sham proceeding did a prosecutor or the actual defendant appear or submit documentation regarding the insurance coverage for the vehicle in question.

10. On or about January 11, 2013, following the colloquy between Respondent and Officer Hruby, Respondent stated from the bench that, “in anticipation of what the District Attorney’s Office would do,” he was dismissing the traffic ticket in the interest of justice.

11. A transcript of the sham proceeding of January 11, 2013, which was audio recorded, is appended as Exhibit 1.

12. In or about March 2013, after learning that he was under investigation for his conduct in the *Endress* matter, Respondent resigned his position as Associate Judge in the Lackawanna City Court but did not stipulate or otherwise commit never to seek or accept judicial office in the future.¹

13. In an Opinion dated February 7, 2014, the Appellate Division, Fourth Department, concluded that by his admitted actions in connection with dismissing the charge against Mr. Endress, Respondent violated the Rules of Professional Conduct, in that *inter alia* he engaged in illegal, dishonest, and deceitful conduct that was prejudicial to the administration of justice.² The Court further concluded that Respondent had “committed serious misconduct” and should be suspended from the practice of law for a minimum of two years. A copy of the court’s Opinion is appended as Exhibit 2.

14. In accordance with its Opinion, the Appellate Division issued an Order, dated February 7, 2014, finding Respondent “guilty of professional

¹ The Commission’s jurisdiction over Respondent in 2013 ended shortly after he resigned from office, pursuant to Section 47 of the Judiciary Law. Had Respondent been removed from office in 2013, he would have been ineligible to hold judicial office in the future, pursuant to Article VI, Section 22(h) of the Constitution. The Commission’s jurisdiction over Respondent resumed in March 2024 upon his return to judicial office, pursuant to Article VI, Section 22, of the Constitution.

² The Appellate Division Opinion cited Rules 8.4(b) (engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer), 8.4(c) (engaging in conduct involving dishonesty, deceit or misrepresentation), 8.4(d) (engaging in conduct that is prejudicial to the administration of justice), and 8.4(h) (engaging in conduct that adversely reflects on his fitness as a lawyer). The Rules of Professional Conduct may be found at 22 NYCRR Part 1200.

misconduct,” and, *inter alia*, ordering that for a period of two years and until further order of the court, Respondent was “to desist and refrain from the practice of law in any form” and was “forbidden to appear as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority, or to give another an opinion as to the law or its application, or any advice with relation thereto.” A copy of the Appellate Division, Fourth Department, Order is appended as Exhibit 3.

15. In or about March 2016, the term of Respondent’s suspension as an attorney ended, and he returned to the practice of law.

16. On or about March 1, 2024, Respondent was appointed by the Mayor of Lackawanna as Associate Judge of the Lackawanna City Court, for a term ending on or about February 28, 2030.

17. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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 allowed a social or other relationship to influence his judicial conduct or judgment, in violation of Section 100.2(B) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to perform judicial duties without bias or prejudice in favor of any person, in violation of Section 100.3(B)(4) of the Rules, failed to accord to every person who has a legal interest in a proceeding the right to be heard according to law, and initiated, permitted or considered *ex parte* communications, or considered other communications made to him outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules, failed to dispose of all judicial matters fairly, in violation of Section 100.3(B)(7) of the Rules, failed to require staff, court officials, and others subject to his direction and control to observe the standards of fidelity and diligence that apply to a judge and to refrain from manifesting bias or prejudice in the performance of their official duties, in violation of Section 100.3(C)(2) of the Rules, and failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including instances where he has a personal bias or prejudice concerning a party, in violation of Section 100.3(E)(1)(a) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: August 12, 2024
Albany, New York



ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

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

VERIFICATION

LOUIS P. VIOLANTI,

an Associate Judge of the
Lackawanna City Court, Erie County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF ALBANY)


ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.



Robert H. Tembeckjian

Sworn to before me this
12th day of August 2024


Notary Public

Marisa Harrison Santos
Notary Public, State of New York
No. 01SA0003835
Qualified in Albany County
Commission Expires March 27, 2027

**LACKAWANNA CITY COURT
ERIE COUNTY STATE OF NEW YORK**

----- -X

THE PEOPLE OF THE STATE OF NEW YORK

- vs -

DANIEL E. ENDRESS

----- -X

Lackawanna City Court
Lackawanna City Hall
714 Ridge Road
Lackawanna, New York

January 11, 2013
10:54 AM

B e f o r e:

HON. LOUIS P. VIOLANTI
Judge

P r e s e n t:

JOHN HRUBY
Lackawanna Police Officer

CHERYL MINGARELLI
Sr. Court Office Assistant

(DEFENDANT WAS NOT PRESENT)

(People v Daniel Endress, before Hon. Louis P. Violanti, January 11, 2013)

1 **10:54:25**

2 MS. MINGARELLI: People versus Daniel E. Endress, docket number
3 201222831, for an arraignment.

4 JUDGE VIOLANTI: Okay. Sir, you're Mr. Endress?

5 OFCR HRUBY: Yes, I am.

6 JUDGE VIOLANTI: Okay. This is originally scheduled for January
7 15, 2013. You came in today for what, sir?

8 OFC. HRUBY: I have the court, present the paperwork to you
9 that I had insurance on the vehicle then, and
10 now, with no lapses. It was a mistake on the part
11 of the insurance company.

12 JUDGE VIOLANTI: Okay. Let me see what you have.

13 OFC. HRUBY: Pass this up, please?

14 MS. MINGARELLI: Sure.

15 JUDGE VIOLANTI: Okay. Thank you. Okay. So, what, what I don't
16 understand is why you're here now.

17 OFC. HRUBY: I have three children at home. I have to work
18 two jobs to make ends meet, and Mr. Obama's
19 taking two more percent of my money, and now
20 I gotta work (unintelligible)--

21 JUDGE VIOLANTI: Okay, we don't, we don't have to get political,
22 sir. Let's just stick to the facts--

23 OFC. HRUBY: Well, well-- I work the docks in the morning;
24 it's hard for me to get here, so I was wondering
25 if we could get this taken care of. We've got a

(People v Daniel Endress, before Hon. Louis P. Violanti, January 11, 2013)

1 lot of ships coming in from Cleveland.

2 JUDGE VIOLANTI: Okay. Based on the foregoing, and in
3 anticipation of what the District Attorney's
4 office would do in this situation, anyway, I don't
5 think I'm out of bounds by dismissing this case
6 in the interest of justice. Good luck, sir.

7 OFC. HRUBY: Thank you.

8

9 *(OFF THE RECORD)*

10 **10:55:53**

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CERTIFICATION

I, KATHRYN TRAPANI, Executive Assistant to the Deputy Administrator of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: June 4, 2024



Kathryn Trapani

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

MATTER OF LOUIS P. VIOLANTI, AN ATTORNEY, RESPONDENT. GRIEVANCE COMMITTEE OF THE EIGHTH JUDICIAL DISTRICT, PETITIONER. -- Order of suspension entered. Per Curiam Opinion: Respondent was admitted to the practice of law by this Court on June 21, 2000, and maintains an office in Lackawanna. The Grievance Committee filed a petition alleging that respondent engaged in misconduct while he was an Associate Judge of the Lackawanna City Court, a position held by respondent from May 2007 through March 2013. Respondent filed an answer admitting material allegations of the petition and setting forth matters in mitigation, and he subsequently appeared before this Court and was heard in mitigation.

Respondent admits that, on December 7, 2012, the Lackawanna Police Department issued to an acquaintance of respondent a simplified traffic information charging the acquaintance with operating a motor vehicle with a suspended registration (Vehicle and Traffic Law § 512), an unclassified misdemeanor. Respondent further admits that, on December 24, 2012, he spoke with the acquaintance at a social event and, when the acquaintance mentioned the traffic ticket, respondent took the ticket and stated that he would "take care of it." Respondent admits that, on January 11, 2013, at respondent's request, a court officer assigned to respondent's courtroom appeared before respondent posing as the acquaintance. Respondent additionally admits that the court officer and respondent engaged in a colloquy on the record indicating that the acquaintance was submitting to respondent certain documents establishing that the alleged suspended registration was the result of an insurance company error. Following that colloquy, respondent from the bench stated that he was dismissing the traffic ticket in the interest of justice, remarking that the prosecutor, who was not present, would have agreed to dismissal of the matter. Respondent admits in this proceeding that the acquaintance neither appeared in respondent's court nor submitted documentation regarding the insurance coverage for the vehicle in question. In March 2013, after the Office of Court Administration commenced an investigation into respondent's conduct at issue in this proceeding, respondent resigned his position as Associate Judge.

We conclude that respondent has violated the following Rules of Professional Conduct:

rule 8.4 (b) (22 NYCRR 1200.0) - engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer;

rule 8.4 (c) (22 NYCRR 1200.0) - engaging in conduct involving dishonesty, deceit or misrepresentation;

rule 8.4 (d) (22 NYCRR 1200.0) - engaging in conduct that is prejudicial to the administration of justice; and

rule 8.4 (h) (22 NYCRR 1200.0) - engaging in conduct that adversely reflects on his fitness as a lawyer.

We have considered, in determining an appropriate sanction, the matters submitted by respondent in mitigation, including his longtime and substantial community involvement, as well as the fact that he derived no personal benefit from the misconduct. We have further considered that, when he became aware of the investigation initiated by the Office of Court Administration, respondent resigned from his judicial position and advised all parties involved to cooperate fully in the investigation.

Finally, we have considered respondent's expression of remorse to this Court, which we find to be sincere. Respondent, however, has committed serious misconduct. Accordingly, after consideration of all of the factors in this matter, we conclude that respondent should be suspended from the practice of law for a period of two years and until further order of the Court.

PRESENT: SMITH, J.P., FAHEY, CARNI, AND SCONIERS, JJ. (Filed Feb. 7, 2014.)

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

PRESENT: SMITH, J.P., FAHEY, CARNI, AND SCONIERS, JJ.

MATTER OF LOUIS P. VIOLANTI, AN ATTORNEY, RESPONDENT.

GRIEVANCE COMMITTEE OF THE EIGHTH JUDICIAL DISTRICT, PETITIONER.

(Attorney Registration No. 3051646)

A petition having been filed alleging certain acts of professional misconduct against respondent in his office as an attorney and counselor at law, and respondent having filed an answer admitting material allegations of the petition and having submitted matters in mitigation,

NOW, upon reading and filing the petition of the Grievance Committee of the Eighth Judicial District, verified by Gregory J. Huether, Chief Counsel, on October 9, 2013, and the exhibits annexed thereto with proof of service thereof, the answer of respondent, verified on October 21, 2013, the statement of Michael M. Mohun, dated November 19, 2013, the memorandum of Roderick Quebral, dated November 26, 2013, and after hearing Roderick Quebral, of counsel for petitioner, Michael M. Mohun, of counsel for respondent, and Louis P. Violanti, respondent, and due deliberation having been had thereon,

This Court finds that respondent is guilty of professional misconduct, and

It is hereby **ORDERED** that the above-named Louis P. Violanti, who was admitted to practice as an attorney and counselor at law by this Court on June 21, 2000, be suspended from the practice of law for a period of two years, and until the further order of this Court, and

It is further **ORDERED** that Louis P. Violanti is commanded for the period of the suspension to desist and refrain from the practice of law in any form, either as a principal or agent, clerk or employee of another, and is hereby forbidden to appear as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice with relation thereto, and

It is further **ORDERED** that Louis P. Violanti shall comply with Rule 1022.27 of the rules of this Court (22 NYCRR 1022.27) governing the conduct of suspended attorneys, and

It is further **ORDERED** that Louis P. Violanti shall immediately surrender to the Office of Court Administration any secure pass issued to him and shall certify that he has done so in the affidavit of compliance filed pursuant to Rule 1022.27 (d) (22 NYCRR 1022.27 [d]).

Per Curiam Opinion which is hereby made a part thereof.

All concur.

Entered: February 7, 2014

FRANCES E. CAFARELL, CLERK



EXHIBIT B

NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

400 ANDREWS STREET, SUITE 700
ROCHESTER, NEW YORK 14604

585-784-4141 518-299-1757
TELEPHONE FACSIMILE
www.cjc.ny.gov

JOHN J. POSTEL
DEPUTY ADMINISTRATOR
M. KATHLEEN MARTIN
DAVID M. DUGUAY
CASSIE M. KOCHER
SENIOR ATTORNEYS
STEPHANIE A. FIX
STAFF ATTORNEY

CONFIDENTIAL

August 12, 2024

Rodney O. Personius, Esq.
Personius Melber LLP
2100 Main Place Tower
350 Main Street
Buffalo, New York 14202

Re: Matter of Louis P. Violanti

Dear Mr. Personius:

The State Commission on Judicial Conduct has directed that a Formal Written Complaint be served upon Associate Judge Louis P. Violanti, pursuant to Section 44, subdivision 4, of the Judiciary Law. Enclosed are the Notice of Formal Written Complaint and the Formal Written Complaint in this matter. For your reference, the Rules Governing Judicial Conduct and the Commission's Operating Procedures and Rules are available on the Commission's website.¹

Kindly complete the enclosed form advising the Commission of the judge's home address and return the form by mail to the Clerk of the Commission. This information is requested pursuant to a practice of the Court of Appeals. The information is confidential and will be transmitted by the Clerk of the Commission to the Court of Appeals in the event there is a

¹ <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>

Rodney O. Personius, Esq

August 12, 2024

Page 2

public disciplinary determination. The remainder of the form contains a “Request and Authorization.” Please note that the Request and Authorization must be completed in order for you to be notified by the Court of Appeals of any public determination filed with the Court by the Commission.

Thank you for agreeing to accept service of these papers on the judge’s behalf. The papers are being served via certified mail addressed to your office. At your earliest convenience, please acknowledge receipt of these papers, in writing.

If you have any questions concerning this matter, please contact me or David M. Duguay, Senior Attorney.

Very truly yours,





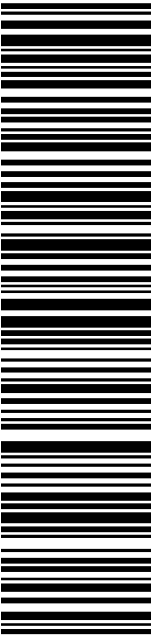

A handwritten signature in blue ink, appearing to read "John J. Postel", with a long horizontal flourish extending to the right.

John J. Postel
Deputy Administrator

JJP:klt

Enclosures

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Expedited Delivery Date: 08/14/2024	
0003	C026
 RODNEY PERSONIUS, ESQ., PERSONIUS MELBER, LLP 350 MAIN STREET 2100 MAIN PLACE TOWER BUFFALO NY 14202-3721	USPS CERTIFIED MAIL
	9402 8091 0515 6586 2090 68
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2. Place the label such that it does not wrap around the edges of the package.
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Print Date:08/12/2024(GMT) Ship Date:08/12/2024
Priority Mail Postage: \$8.18 Delivery Date: 08/14/2024
Flat Rate Envelope: Yes
Electronic Option Certified Mail Fee: \$4.85
Electronic Option Electronic Return Receipt Fee: \$2.62
Weight: 2 lbs 0 ozs

Total Amount: \$15.65 Shipper Id: 2000055850

From: State of New York
PERSONAL & CONFIDENTIAL
400 Andrews St, Ste 700
Rochester NY 14604-1461
To: Rodney Personius, Esq.
Personius Melber, LLP
350 Main Street
2100 Main Place Tower
Buffalo NY 14202-3721

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BUFFALO, NY 14202
August 14, 2024, 11:53 am

Arrived at USPS Regional Facility

BUFFALO NY DISTRIBUTION CENTER
August 13, 2024, 4:50 pm

Arrived at USPS Regional Facility

ROCHESTER NY DISTRIBUTION CENTER
August 12, 2024, 11:09 pm

Accepted at USPS Origin Facility

ROCHESTER, NY 14604
August 12, 2024, 9:54 pm

Shipping Label Created, USPS Awaiting Item

ROCHESTER, NY 14604
August 12, 2024, 2:49 pm

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Confirmation

Your item has been delivered; however, we are still compiling your Proof of Delivery record. We will provide it as soon as it is available.

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trapani@cjc.ny.gov

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EXHIBIT C

August 14, 2024

Dear Kathryn Trapani:

The following is in response to your request for proof of delivery on your item with the tracking number: **9402 8091 0515 6586 2090 68**.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: August 14, 2024, 11:53 am
Location: BUFFALO, NY 14202
Postal Product: Priority Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Up to \$100 insurance included
Recipient Name: Rodney Personius Esq

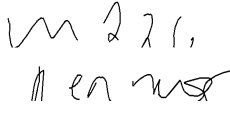

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Street Address: 350 MAIN ST
City, State ZIP Code: BUFFALO, NY 14202-3750

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

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Sincerely,
United States Postal Service®
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Washington, D.C. 20260-0004

From: John J. Postel
Sent: Tuesday, August 20, 2024 11:27 AM
To: Kathryn Trapani; David M. Duguay; Vanessa Mangan
Subject: FW: Matter of LPV

John J. Postel | Deputy Administrator
New York State **Commission on Judicial Conduct**
400 Andrews Street, Suite 700 | Rochester, NY 14604
585-784-4141 (phone) | 585-232-7834 (fax)
[REDACTED] | www.cjc.ny.gov

From: Rodney O. Personius <[REDACTED]>
Sent: Tuesday, August 20, 2024 10:21 AM
To: John J. Postel <[REDACTED]>
Subject: Matter of LPV

You don't often get email from [REDACTED]. [Learn why this is important](#)

Mr Postel: We acknowledge receipt of your correspondence and enclosed Formal Written Complaint, with Notice, all dated August 12, 2024.

We will forward to you a copy of the required form to be completed, executed and sent to the Clerk of the Commission upon receipt from our client.

We will prepare and serve a verified Answer by August 30th.

V/R, Rod Personius

Rodney O. Personius, Esq.
Personius Melber LLP
2100 Main Place Tower
Buffalo, NY 14202
(716) 855-1050 [REDACTED]
www.personiusmelber.com

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EXHIBIT E

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

LOUIS P. VIOLANTI,

VERIFIED ANSWER

an Associate Judge of the Lackawanna City Court,
Erie County.

Hon. Louis P. Violanti, Associate Judge, by and through his attorneys, Personius Melber LLP, as and for his Verified Answer to the Formal Written Complaint sets forth the following upon information and belief:

1. Article VI, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a Judge.

RESPONSE #1: Respondent **admits** the allegations contained in this paragraph.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Louis P. Violanti (“Respondent”), an Associate Judge of the Lackawanna City Court, Erie County.

RESPONSE #2: Respondent **admits** the allegations contained in this paragraph.

3. The factual allegations set forth in Charge I state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).

RESPONSE #3: Respondent **admits** the allegations contained in this paragraph.

4. Respondent was admitted to the practice of law in New York in 2000. He has been an Associate Judge of the Lackawanna City Court, Erie County, since March 1, 2024, having previously served in that position from May 2007 to March 2013, when he resigned while under investigation for misconduct. Respondent’s current term expires on February 28, 2030.

RESPONSE #4: Respondent **admits** the allegations contained in this paragraph.

CHARGE I

5. On or about January 11, 2013, while serving as Associate Judge of the Lackawanna City Court, Respondent arranged and presided over a sham proceeding, during which *inter alia* he engaged in a colloquy on the record with a police officer who he knew was impersonating a defendant. The defendant, Daniel E. Endress, who was an acquaintance of Respondent’s, was not present and had not submitted any evidence concerning the unclassified misdemeanor traffic offense with which he had been charged. No prosecutor was present.

RESPONSE #5: Respondent **admits** the allegations contained in this paragraph.

6. Following the sham proceeding, and on the basis of fictitious evidence, Respondent dismissed the charge against Mr. Endress. Consequently, on or about February 7, 2014, Respondent was suspended from the practice of law by the Appellate Division, Fourth Department, which *inter alia* found that his actions in connection with the sham proceeding constituted “serious misconduct.”

RESPONSE #6: Respondent **admits** the allegations contained in this paragraph, except that Respondent **denies** the charge against Daniel E. Endress was dismissed “on the basis of fictitious evidence.”

Specifications to Charge I

7. On or about December 7, 2012, an officer of the Lackawanna Police Department issued a simplified traffic information to Daniel E. Endress, an acquaintance of Respondent’s, charging him with operating a motor vehicle with a suspended registration (Vehicle and Traffic Law § 512), an unclassified misdemeanor. The ticket was returnable before Lackawanna City Court Judge Frederic J. Marrano on or about March 14, 2013.

RESPONSE #7: Respondent **admits** the allegations contained in this paragraph.

8. On or about December 24, 2012, at a social event, Respondent spoke with Mr. Endress, who mentioned the pending traffic ticket. Respondent took the ticket and stated that he would “take care of it.”

RESPONSE #8: Respondent **admits** the allegations contained in this paragraph.

9. On or about January 11, 2013, at Respondent's request, John Hruby, a Lackawanna police officer assigned to Respondent's courtroom for security, posed as Mr. Endress in an appearance on the record. Respondent and the court officer engaged in a sham colloquy, during which Officer Hruby, masquerading as the defendant, submitted documents to Respondent purporting to establish that the suspended registration was the result of an insurance company error. At no time during this sham proceeding did a prosecutor or the actual defendant appear or submit documentation regarding the insurance coverage for the vehicle in question.

RESPONSE #9: Respondent **admits** the allegations contained in this paragraph, except **denies** that Officer John Hruby "submitted documents to Respondent purporting to establish that the suspended registration was the result of an insurance company error."

10. On or about January 11, 2013, following the colloquy between Respondent and Officer Hruby, Respondent stated from the bench that, "in anticipation of what the District Attorney's Office would do," he was dismissing the traffic ticket in the interest of justice.

RESPONSE #10: Respondent **admits** the allegations contained in this paragraph.

11. A transcript of the sham proceeding of January 11, 2013, which was audio recorded, is appended as Exhibit 1.

RESPONSE #11: Respondent **admits** the allegations contained in this paragraph.

12. In or about March 2013, after learning that he was under investigation for his conduct in the *Endress* matter, Respondent resigned his position as Associate Judge in the Lackawanna City Court but did not stipulate or otherwise commit never to seek or accept judicial office in the future.¹

RESPONSE #12: Respondent **admits** the allegations contained in this paragraph, except **denies** the allegation in footnote 1 that the cessation of the Commission’s jurisdiction over Respondent in 2013 was “shortly after” Respondent resigned from office, and also **denies** that the “Commission’s jurisdiction over Respondent resumed in March 2024 upon his return to judicial office, pursuant to Article VI, Section 22, of the Constitution.”

13. In an Opinion dated February 7, 2014, the Appellate Division, Fourth Department, concluded that by his admitted actions in connection with dismissing the charge against Mr. Endress, Respondent violated the Rules of Professional Conduct, in that *inter alia* he engaged in illegal, dishonest, and deceitful conduct that was prejudicial to the administration of justice.²

1 The Commission’s jurisdiction over Respondent in 2013 ended shortly after he resigned from office, pursuant to Section 47 of the Judiciary Law. Had Respondent been removed from office in 2013, he would have been ineligible to hold judicial office in the future, pursuant to Article VI, Section 22(h) of the Constitution. The Commission’s jurisdiction over the Respondent resumed in March 2024 upon his return to judicial office, pursuant to Article VI, Section 22, of the Constitution.

2 The Appellate Division Opinion cited Rules 8.4(b) (engaging in illegal conduct that adversely reflects on his honesty, trustworthiness, or fitness as a lawyer), 8.4(c) (engaging in conduct that is prejudicial to the administration of justice), and 8.4(h) (engaging in conduct that adversely reflects on his fitness as a lawyer). The Rules of Professional Conduct may be found at 22 NYCRR Part 1200.

The Court further concluded that Respondent had “committed serious misconduct” and should be suspended from the practice of law for a minimum of two years. A copy of the court’s Opinion is appended as Exhibit 2.

RESPONSE #13: Respondent **admits** the allegations contained in this paragraph, including the statements in footnote 2.

14. In accordance with its Opinion, the Appellate Division issued an Order, dated February 7, 2014, finding Respondent “guilty of professional misconduct,” and, *inter alia*, ordering that for a period of two years and until further order of the court, Respondent was “to desist and refrain from the practice of law in any form” and was “forbidden to appear as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority, or to give another an opinion as to the law or its application, or any advice with relation thereto.” A copy of the Appellate Division, Fourth Department, Order is appended as Exhibit 3.

RESPONSE #14: Respondent **admits** the allegations contained in this paragraph.

15. In or about March 2016, the term of Respondent’s suspension as an attorney ended, and he returned to the practice of law.

RESPONSE #15: Respondent **admits** the allegations contained in this paragraph.

16. On or about March 1, 2024, Respondent was appointed by the Mayor of Lackawanna as Associate Judge of the Lackawanna City Court, for a term ending on or about February 28, 2030.

RESPONSE #16: Respondent **admits** the allegations contained in this paragraph.

17. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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 allowed a social or other relationship to influence his judicial conduct or judgment, in violation of Section 100.2(B) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to perform judicial duties without bias or prejudice in favor of any person, in violation of Section 100.3(B)(4) of the Rules, failed to accord to every person who has a legal interest in a proceeding of the right to be heard according to law, and initiated, permitted or considered *ex parte* communications, or considered other communications made to him outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section

100.3(B)(6) of the Rules, failed to dispose of all judicial matters fairly, in violation of Section 100.3(B)(7) of the Rules, failed to require staff, court officials, and others subject to his direction and control to observe the standards of fidelity and diligence that apply to a judge and to refrain from manifesting bias or prejudice in their performance of their official duties, in violation of Section 100.3(C)(2) of the Rules, and failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including instances where he has a personal bias or prejudice concerning a party, in violation of Section 100.3(E)(1)(a) of the Rules.

RESPONSE #17: Respondent **admits** the allegations contained in this paragraph, except **denies**, on jurisdictional grounds, that “Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a) of the Constitution and Section 44, subdivision 1, of the Judiciary Law.”

FURTHER ANSWERING THE COMPLAINT

18. Respondent **denies** all remaining allegations set forth in the Formal Written Complaint not specifically addressed in paragraphs 1 through 17, above.

FIRST AFFIRMATIVE DEFENSE: **LACK OF JURISDICTION**

19. Judiciary Law Section 47 grants the Commission on Judicial Conduct and the Court of Appeals jurisdiction to remove a resigned judge for a period of 120 days after the date of resignation from judicial office.

20. Pursuant to Section 47, the Commission has 120 days from a judge's resignation to complete proceedings and, if it so concludes, render and file a determination that the judge should be removed from office.

21. The fact that a particular Judge may no longer hold judicial office at the time removal is sought or recommended by the Commission, due to the Judge's post-misconduct resignation, does not preclude the Commission or the Court of Appeals from exercising its respective disciplinary powers in accordance with the procedure set forth in Judiciary Law Section 47.

22. Respondent formally resigned from his position as an Associate Judge of Lackawanna City Court, Erie County in a letter, dated March 6, 2013, directed to Hon. Paula L. Feroletto, District Administrative Judge. A copy of this correspondence is annexed as **Exhibit A**.

23. The jurisdiction of the Commission over Respondent ended at or about 120 days after Respondent resigned from office pursuant to Section 47 of the Judiciary Law.

24. By virtue of the failure of the Commission to act within the time period provided for in Section 47, the jurisdiction of the Commission with respect to the matters set forth in the Formal Written Complaint has expired and may not now be resurrected.

SECOND AFFIRMATIVE DEFENSE:
UNREASONABLE AND PREJUDICIAL DELAY

25. More than 11 years have passed since the Commission's original investigation of the matters set forth in the Formal Written Complaint.

26. Respondent will suffer substantial actual prejudice if this proceeding is allowed to continue and results in his removal from judicial office.

27. The belated pursuit of this proceeding implicates and risks a violation of Respondent's constitutional right to due process of law.

28. In agreeing to accept the offer of reappointment as an Associate Judge of the Lackawanna City Court, Erie County on or about March 1, 2024, Respondent relied upon the fact the Commission's investigation from 11 years ago, both due to passage of time and the limitations on the Commission's jurisdiction set forth in Judiciary Law Section 47, had for all of time been abandoned.

29. In reliance upon both the passage of time and the jurisdictional limitations articulated in Section 47, Respondent shut down his active private practice of law at an office located at 85 Main Street, Hamburg, NY, which included surrendering a substantial civil law client base, discharging experienced support staff, and foregoing his long-standing referral relationship with other civil practitioners in Western New York.

30. In reliance upon the inaction of the Commission, Respondent determined that the compensation he would earn by virtue of his re-appointment as an Associate Judge of the Lackawanna City Court, Erie County would constitute his primary source of income, to be supplemented by a far more limited part-time private criminal defense practice out of an office located at 43 Court Street, Buffalo, NY.

31. In reliance upon the inactivity of the Commission since his resignation from judicial office in March 2013, and as a precondition to accepting the offered judicial reappointment, Respondent was required to resign from a long-standing position as counsel to the Lackawanna City School District.

32. The advent of the Commission's renewed pursuit of Respondent after the passage

of more than 11 years also poses the specter of damaging adverse publicity arising from a matter which took place over one decade ago.

33. If this proceeding on the part of the Commission continues and results in his removal from judicial office, Respondent will suffer severe financial harm to his substantial prejudice.

THIRD AFFIRMATIVE DEFENSE:
MITIGATION

34. The wrong committed by Respondent, which forms the basis for this proceeding, directly arises from the manner in which Respondent disposed of the traffic ticket issued to Daniel E. Endress by causing an officer of the Lackawanna Police Department to improperly pose in a public proceeding as Mr. Endress.

35. Without in any way undermining the seriousness of Respondent's misconduct, the outcome of the sham proceeding he orchestrated – the dismissal of the traffic ticket which had been issued to Mr. Endress – represented a usual and customary disposition of a suspended registration charge arising from a mistaken lapse in the vehicle operator's insurance.

36. Respondent voluntarily resigned from his judicial position on or about March 6, 2013, as reflected in **Exhibit A**.

37. He received no financial benefit as a result of his misconduct.

38. Upon learning of the Commission's investigation, Respondent encouraged all witnesses to his misconduct to cooperate with that inquiry.

39. Respondent has a long history of contributing his time and energy to community and religious organizations, including the Lackawanna Chamber of Commerce, the Lackawanna

Citizens Coalition, the Lake Erie Italian Club, ACCESS of Western New York, and St. Anthony of Padua Roman Catholic Church.

40. Charitable activities on the part of Respondent have included participation in a medical missionary trip to Western Africa and the delivery of food to members of the Lackawanna, NY community during weather emergencies.

41. Respondent's public and civic service as a member of the Bar of the State of New York has included acting as the Lackawanna City Prosecutor, counsel to the Lackawanna City School System, a prosecutor in the Erie County District Attorney's Office, exigent substitute felony defense counsel for the Bar Association of Erie County's Assigned Counsel Program, and an instructor for the Paralegal Program of Erie Community College.

42. Respondent has been formally sanctioned for his misconduct, having faced a criminal prosecution which was resolved through an Adjournment in Contemplation of Dismissal, and a formal attorney grievance proceeding, which resulted in his license to practice law being suspended for a period of two years.

43. In fact, the February 7, 2014 decision of the Appellate Division, Fourth Judicial Department, makes the following finding on the subject of mitigation:

We have considered, in determining an appropriate sanction, the matters submitted by respondent in mitigation, including his longtime and substantial community involvement, as well as the fact that he derived no personal benefit from the misconduct. We have further considered that, when he became aware of the investigation initiated by the Office of Court Administration, respondent resigned from his judicial position and advised all parties involved to cooperate fully in the investigation. Finally, we have considered respondent's expression of remorse to this Court, which we find to be sincere.

44. At the time his misconduct was made public, in or about the spring 2013, Respondent was the subject of substantial adverse publicity, which damaged his professional reputation and brought shame and embarrassment to his family.

DATED: Buffalo, New York
September 13, 2024.



Rodney O. Personius, Esq.
PERSONIUS MELBER LLP
Attorneys for Respondent
HON. LOUIS P. VIOLANTI
2100 Main Place Tower
350 Main Street
Buffalo, NY 14202
(716) 855-1050
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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

LOUIS P. VIOLANTI,

VERIFICATION

an Associate Judge of the Lackawanna City Court,
Erie County.

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
CITY OF BUFFALO)

Hon. Louis P. Violanti, being duly sworn, deposes and says that he is the Respondent in the within action, that he has read the foregoing Verified Answer and knows the contents thereof; that the same is true to deponent's own knowledge except as to those matters therein stated to be alleged upon information and belief, and as to those matters the deponent believes them to be true.


Hon. Louis P. Violanti

Sworn to before me this
13th day of September, 2024.



Notary Public

RODNEY O. PERSONIUS
Notary Public, State of New York
Qualified in Erie County
Commission Expires 3/13/26



LACKAWANNA CITY COURT

714 Ridge Road
Lackawanna, New York 14218

(716) 845-7220

Fax (716) 845-7599

Hon. Frederic J. Marrano
Chief Judge

Hon. Louis P. Violanti
Associate Judge

Lisa Gauthier
Deputy Chief Clerk

March 6, 2013

Honorable Paula L. Feroletto
District Administrative Judge
Eighth Judicial District
92 Franklin Street
Buffalo, New York 14202

Please let this letter serve as a supplement to my letter dated February 28, 2013. I have spoken with City of Lackawanna Mayor Geoffrey M. Szymanski at length regarding said letter. He expressed to me that he would rather appoint the new Associate Judge sooner rather than later. As such, we have mutually agreed that my term as Associate Judge of Lackawanna City Court will expire this Sunday, March 10, 2013, at 11:59 p.m. Mayor Szymanski plans on immediately appointing the new Associate Judge Monday, March 11, 2013.

As I stated in my previous letter, I sincerely thank you for the opportunity to serve the great people of City of Lackawanna, the State of New York, and the Eighth Judicial District. I will always look back on these years as some of the best in my life. I offer you my commitment to make the transition to the new Judge as effortless and seamless as I possibly can.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Louis P. Violanti".

Judge Louis P. Violanti

CC: Honorable Thomas P. Amodeo
Honorable Frederic J. Marrano
Andrew B. Isenberg
Mayor Geoffrey M. Szymanski

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

LOUIS P. VIOLANTI,

VERIFIED ANSWER

an Associate Judge of the Lackawanna City Court,
Erie County.

ORIGINAL

PERSONIUS MELBER LLP
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BUFFALO, NEW YORK 14202
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**STATE OF NEW YORK
APPELLATE DIVISION**

**SUPREME COURT
FOURTH DEPARTMENT**

**GRIEVANCE COMMITTEE OF THE
EIGHTH JUDICIAL DISTRICT - PETITIONER**

v.

LOUIS P. VIOLANTI, ESQ. - RESPONDENT

**NOTICE OF
PETITION
RECEIVED
OCT 31 2013
APPELLATE DIVISION
4TH DEPARTMENT**

TO THE APPELLATE DIVISION OF THE SUPREME COURT, FOURTH DEPARTMENT:

PLEASE TAKE NOTICE, that upon the annexed Petition of the Grievance Committee of the Eighth Judicial District, verified the 9th day of October, 2013, the undersigned will move this Court, at its Chambers at 50 East Avenue, Rochester, New York, on the 10th day of **December, 2013, at 2:00 o'clock** in the afternoon of that day, or as soon thereafter as counsel can be heard, for an Order sustaining the charges of professional misconduct in the annexed Petition; directing that the said Respondent, Louis P. Violanti, Esq., be disciplined pursuant to Judiciary Law §90(2) and 22 NYCRR §1022.20(d); and, for such other and further relief in the premises as justice may require; and,

PLEASE TAKE FURTHER NOTICE, that pursuant to 22 NYCRR §1022.20(c)(3), of the Rules Relating to Attorneys of the Supreme Court, Appellate Division, Fourth Department, the original answer and five (5) copies thereof with proof of service of one copy on the Petitioner. shall be filed by the Respondent in the Appellate Division within twenty (20) days from the date of service of this Petition; and,

PLEASE TAKE FURTHER NOTICE, that pursuant to 22 NYCRR §1022.20(c)(2), the Respondent's personal appearance is required on the return date of this matter, unless excused by the Supreme Court, Appellate Division, Fourth Department.

DATED: October 9, 2013
Buffalo, New York

Yours, etc.

Gregory J. Huether, Esq., Chief Counsel
Attorney for Petitioner
438 Main Street, Suite 800
Buffalo, NY 14202-3212
Telephone: (716) 845-3630

Roderick Quebral, Esq., of Counsel

To: Louis P. Violanti, Esq.
Respondent

Michael M. Mohun, Esq.
Attorney for Respondent



**STATE OF NEW YORK
APPELLATE DIVISION**

**SUPREME COURT
FOURTH DEPARTMENT**

**GRIEVANCE COMMITTEE OF THE
EIGHTH JUDICIAL DISTRICT - PETITIONER**

PETITION

v.

LOUIS P. VIOLANTI, ESQ. - RESPONDENT

TO THE APPELLATE DIVISION OF THE SUPREME COURT, FOURTH DEPARTMENT:

The Petition of the Grievance Committee of the Eighth Judicial District, Fourth Judicial Department, State of New York, respectfully shows, upon information and belief:

1. The Petitioner is a Grievance Committee of attorneys and non-lawyers, all of whom reside within the Eighth Judicial District of the State of New York, and said Committee is existing under and pursuant to the Appellate Division Rules Relating to Attorneys, Rule 22 NYCRR §1022.19, as amended, of the State of New York.
2. That LOUIS P. VIOLANTI, ESQ., hereinafter referred to as the "Respondent," at all times hereinafter mentioned, was and still is an attorney and counselor-at-law duly licensed to practice as such by Order of the Appellate Division, Supreme Court, Fourth Department, State of New York, dated June 21, 2000.
3. At all times hereinafter mentioned, and relevant to this Petition, the Respondent maintained an office for the practice of law at 242 Ridge Road, City of Lackawanna, County of Erie, State of New York.

4. At all times relevant to the Petition, the Respondent was an Associate Judge of the Lackawanna City Court, a position he had held since May 2007.

5. On December 7, 2012, the Lackawanna Police Department issued a simplified traffic information to Daniel E. Endress, charging him with a suspended registration in violation of Vehicle & Traffic Law §512 (an unclassified misdemeanor). The simplified traffic information indicated an arraignment date of January 14, 2013 in Lackawanna City Court. (A true and correct copy is attached as Exhibit "1").

6. The Respondent and Mr. Endress knew one another for approximately 12 years as active members of the same Wesleyan Church in Hamburg. While attending a church function on Christmas Eve, 2012, Mr. Endress mentioned to the Respondent that he would be seeing him in a couple of weeks in Lackawanna City Court to answer a traffic summons. The Respondent asked Mr. Endress about the summons and whether or not he had it with him. After Mr. Endress indicated that the summons was in his wallet, the Respondent asked him for it and told Mr. Endress that he would take care of it. When Mr. Endress inquired about a possible fine, Respondent answered, "Don't worry, I'll take care of it."

7. Subsequently, the Respondent approached Lackawanna Police Officer John Hruby, his long time friend who was assigned as the Respondent's Court officer, and indicated that he needed a favor. The Respondent explained that Mr. Endress was a friend from church who had fallen on bad times, and that he wanted to help him out with his pending legal issue. Officer Hruby then agreed to go on the record and engage in "role playing" as Mr. Endress.

8. On January 11, 2013, Lackawanna City Court Criminal Clerk Jamie DaBella, while preparing the court calendar, noticed a writing indicating that the Endress court file was

with the Respondent. This was unusual because misdemeanor matters in Lackawanna City Court were only assigned to the Hon. Frederic J. Marrano, the Chief Judge of Lackawanna City Court. When Ms. DaBella inquired about the Endress matter, the Respondent told her that it was “a bullshit arrest and I am taking care of it. Don’t worry about it.”

9. Later on January 11, 2013, at the end of the morning court session, the Respondent instructed another Court Clerk, Cheryl Mingarelli, to go back on the record and call the Endress case. Officer Hruby entered the courtroom and identified himself as Daniel Endress. The Respondent and Officer Hruby then engaged in a sham proceeding on the record. Officer Hruby, as Endress, claimed to have proof that his insurance had not lapsed, and that the insurance company was to blame for the mistake. Officer Hruby pretended to hand up to the Respondent what was purported to be the “paperwork” to prove the mistake. The Respondent dismissed the simplified traffic information “in the interest of justice,” remarking that he was doing so “in anticipation of what the District Attorney’s office would do in this situation anyway.”

[A transcript of the audio-recorded court proceeding is attached as **Exhibit “2.”**]

10. Moreover, after the proceeding was concluded, the Respondent made entries on the Court file including, “Defendant came in on record and showed proof,” “DMV Fault,” and “Dis Int Just.” (A true and correct copy of the Court file is attached as **Exhibit “3”**). In fact, Mr. Endress never produced any proof that the insurance lapse had been mistaken, and indeed never spoke to the Respondent between their Christmas Eve conversation and the dismissal.

11. In the course of the investigation by the Office of the Inspector General on behalf of the Office of Court Administration, the Respondent sent a letter to Lackawanna Mayor

Geoffrey M. Szymanski dated February 28, 2013, stating that he would not seek or accept a second term as Associate Judge of Lackawanna City Court, indicating that his current term would expire on May 3, 2013. Thereafter, on March 6, 2013, the Respondent sent a letter to Judge Feroleto stating, "We have mutually agreed that my term as Associate Judge of Lackawanna City Court will expire this Sunday, March 10, 2013, at 11:59 p.m." (True and correct copies of the Respondent's letters of February 28 and March 6, 2013 are attached as **Exhibit "4"**).

12. Shortly thereafter, the Office of Court Administration forwarded its investigative file to the Erie County District Attorney's Office, which conducted its own investigation. On May 3, 2013, the Respondent was arraigned on a misdemeanor charge of Official Misconduct [PL §195.00-1] before the Hon. Patrick Carney, Buffalo City Court Judge, sitting as an Acting County Court Judge. The Respondent was immediately granted an Adjournment in Contemplation of Dismissal to November 3, 2013, as arranged in advance with the consent of ADA John G. Schoemick. (Copies of the arraignment transcript and the Certificate of Disposition are attached as **Exhibit "5"**).

13. Based upon the foregoing, the Respondent has engaged in illegal conduct that adversely reflects on his honesty, trustworthiness, or fitness as a lawyer; has engaged in conduct involving dishonesty, deceit, and misrepresentation; and, has engaged in conduct prejudicial to the administration of justice and which adversely reflects on his fitness to practice law, in violation of Rules 8.4(b), (c), (d) and (h) of the Rules of Professional Conduct, as effective April 1, 2009.

ACCORDINGLY, IT IS RESPECTFULLY SUBMITTED that the following Rules of Professional Conduct, effective April 1, 2009, have been violated:

- A) **Rule 8.4(b)** - by engaging in illegal conduct that adversely reflects on his honesty, trustworthiness, or fitness as a lawyer;
- B) **Rule 8.4(c)]** - by engaging in conduct involving dishonesty, deceit, and misrepresentation;
- C) **Rule 8.4(d)** - by engaging in conduct prejudicial to the administration of justice; and,
- D) **Rule 8.4(h)** - by engaging in conduct adversely reflecting on his fitness to practice law.

WHEREFORE, YOUR PETITIONER RESPECTFULLY REQUESTS that the charges of professional misconduct in the Petition be sustained; that this Court enter an Order imposing discipline upon the Respondent pursuant to Judiciary Law §90(2) and 22 NYCRR §1022.20; and, for such other and further relief as this Court may deem just and proper.

GRIEVANCE COMMITTEE OF THE
EIGHTH JUDICIAL DISTRICT
FOURTH JUDICIAL DEPARTMENT

Gregory J. Huether, Esq., Chief Counsel
Roderick Quebral, of Counsel

Dated: October 9, 2013
Buffalo, New York

STATE OF NEW YORK
APPELLATE DIVISION

SUPREME COURT
FOURTH DEPARTMENT

GRIEVANCE COMMITTEE OF THE
EIGHTH JUDICIAL DISTRICT - PETITIONER

AFFIDAVIT

v.

LOUIS P. VIOLANTI, ESQ. - RESPONDENT

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

GREGORY J. HUETHER, being duly sworn, deposes and says:


That I am the Chief Attorney to the Fourth Judicial Department Attorney Grievance Committees, including the Petitioner herein.

Upon information and belief, the matters set forth in the Petition herein are true. The source of my information and the grounds for my belief are correspondence and records of the proceedings had before the Grievance Committee of the Eighth Judicial District, papers and documents submitted to the Committee, and records kept on file in the office of the Grievance Committee.



GREGORY J. HUETHER, ESQ.

Subscribed and sworn to before me
this 9th day of October, 2013.



Notary Public

ANNA M. HUNT
Notary Public, State of New York
Qualified in Erie County, 2015
My Commission Expires June 28, 2015

STATE OF NEW YORK SUPREME COURT
APPELLATE DIVISION FOURTH DEPARTMENT

RECEIVED

OCT 25 2013

APPELLATE DIVISION
4TH DEPARTMENT

GRIEVANCE COMMITTEE OF THE
EIGHTH JUDICIAL DISTRICT - PETITIONER

V.

A N S W E R

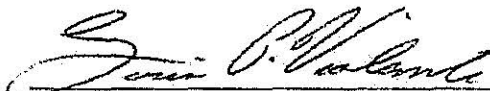
LOUIS P. VIOLANTI, ESQ. - RESPONDENT

For his Answer to the Petition of the Grievance Committee of the Eighth Judicial District, Fourth Judicial Department, State of New York, Respondent states as follows:

1. Admits the allegations alleged in the following paragraphs of the Petition: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.
2. Denies sufficient knowledge or information to form a belief as to the allegations as set forth in Paragraph 13.

WHEREFORE, the Respondent requests that pursuant to 22 NYCRR 1022.20(d)(2) that the Appellate Division fix a time at which the Respondent may be heard in mitigation or otherwise and for such other and further relief as the Court deems just and proper.

Dated: October 21, 2013



LOUIS P. VIOLANTI
Respondent

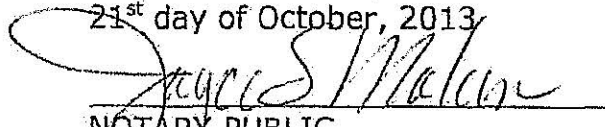
VERIFICATION

I, LOUIS P. VIOLANTI, Being duly sworn, depose and say:

1. I am the respondent in the action.
2. I have read the foregoing Answer and know the contents thereof: the same is known to my own knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters, I believe it to be true.
3. The grounds of my belief as to all matters not stated upon my own knowledge are based upon my review of documents, pleadings and related filings.


LOUIS P. VIOLANTI

Sworn to before me this
21st day of October, 2013


NOTARY PUBLIC
JOYCE S. MOHUN
Qualified in Wyoming County
My commission expires 1/31/2014

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

LOUIS P. VIOLANTI,

an Associate Judge
of the Lackawanna City Court
Erie County.

**MEMORANDUM BY COUNSEL TO THE COMMISSION
IN SUPPORT OF MOTION FOR SUMMARY DETERMINATION**

ROBERT H. TEMBECKJIAN, ESQ.
Administrator and Counsel
Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

Of Counsel:

John J. Postel, Esq.
Edward Lindner, Esq.
Denise Buckley, Esq.
David Stromes, Esq.
David M. Duguay, Esq.

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PRELIMINARY STATEMENT

This Memorandum is respectfully submitted by Counsel to the Commission on Judicial Conduct (“Commission”) in support of Counsel’s Motion for Summary Determination that the Honorable Louis P. Violanti (“Respondent”), an Associate Judge of the Lackawanna City Court, Erie County, has committed judicial misconduct.¹

INTRODUCTION

Respondent returned to the bench this year after a 10-year absence.

In January 2013, while serving as a judge of the Lackawanna City Court, Respondent arranged and presided over a sham proceeding in connection with a traffic ticket issued to one of his acquaintances. Without a prosecutor or the defendant present, and without hearing any actual evidence, Respondent had a court officer pose as the defendant in Respondent’s courtroom, and the two engaged in a sham colloquy on the record during which the officer pretended to submit exonerating evidence. Respondent thereafter dismissed the ticket. He subsequently resigned from his judicial office before the Commission could take any action against him. He was suspended from the practice of law for two years by the Appellate Division, Fourth Department, for the same misconduct. *See Matter of Violanti*, 114 AD3d 159 (4th Dept 2014).

¹ In the event the Commission grants this motion, Commission Counsel requests that a schedule be set for memoranda to be filed and oral argument to be heard on the issue of sanction.

When Respondent was reappointed to the Lackawanna City Court in March 2024, the Commission regained jurisdiction, reopened its investigation and formally charged him with misconduct for the 2013 incident. He admitted the factual allegations described above, which were found by the Appellate Division in its attorney disciplinary decision against him and deemed to be violations of the New York Rules of Professional Conduct for attorneys. Because the same facts as found by the Appellate Division constitute judicial misconduct under the Rules Governing Judicial Conduct (“Rules”), there is no genuine issue as to any material fact, and summary determination is appropriate as a matter of law pursuant to Section 7000.6(c) of the Commission’s Operating Procedures and Rules (22 NYCRR 7000.6[c]).

In his Verified Answer, Respondent raised three affirmative defenses: lack of jurisdiction, unreasonable and prejudicial delay, and mitigation. The first two defenses raise purely legal questions that are addressed below. Commission and Court of Appeals precedents make clear that both defenses are meritless. The third proffered defense, *i.e.* mitigation, would be relevant only as to sanction, and thus will be addressed in the event the Commission grants this motion and orders briefing on the issue of sanction.

PROCEDURAL HISTORY

A. The Formal Written Complaint

Pursuant to Judiciary Law § 44(4), the Commission authorized a Formal Written Complaint (“Complaint”), dated August 12, 2024, containing one charge set forth in two paragraphs:

- On or about January 11, 2013, while serving as Associate Judge of the Lackawanna City Court, Respondent arranged and presided in court over a sham proceeding, during which *inter alia* he engaged in a colloquy on the record with a police officer who he knew was impersonating a defendant. The defendant, Daniel E. Endress, who was an acquaintance of Respondent’s, was not present and had not submitted any evidence concerning the unclassified misdemeanor traffic offense with which he had been charged. No prosecutor was present (Complaint ¶ 5).
- Following the sham proceeding, and on the basis of fictitious evidence, Respondent dismissed the charge against Mr. Endress. Consequently, on or about February 7, 2014, Respondent was suspended from the practice of law by the Appellate Division, Fourth Department, which *inter alia* found that his actions in connection with the sham proceeding constituted “serious misconduct” (Complaint ¶ 6).

Specifications to the charge allege that upon learning at a social event that an acquaintance had a pending traffic ticket for operating a motor vehicle with a suspended registration (Vehicle and Traffic Law § 512) that was returnable before Lackawanna City Court Judge Frederic J. Marrano, Respondent took the ticket and told the acquaintance that he would “take care of it” (Complaint ¶¶ 7, 8).

Thereafter, at Respondent’s request, Lackawanna police officer John Hruba posed as the acquaintance during a “sham colloquy” on the record, during which neither the acquaintance nor a prosecutor were present. During that colloquy, the officer falsely stated that he was presenting documents to the judge purporting to show that the traffic offense was the result of an insurance company error, after which Respondent dismissed the ticket in the interest of justice (Complaint ¶¶ 9, 10). Respondent resigned his judicial office after learning he was under investigation for this conduct, and he was subsequently suspended from the practice of law for two years by order of the Appellate Division, Fourth Department for “serious misconduct” (Complaint ¶¶ 12-15). In March 2024, the Mayor of Lackawanna appointed Respondent to a new term of judicial office expiring in or about February 2030 (Complaint ¶ 16).

B. Respondent’s Answer

Respondent filed an Answer dated September 13, 2024 (Answer at 13; *see* Postel Aff. ¶ 5). He admitted all allegations in Charge I and all specifications to

the charge, with the exception of denying the characterization of the non-existent evidence during the sham colloquy as “fictitious evidence,” and denying that the officer actually “submitted” evidence to the court (Answer at 3-4: RESPONSE#6, RESPONSE#9).

Respondent’s Answer also denied that he should be disciplined for cause (Answer at 8: RESPONSE#17) and set forth three affirmative defenses. The first alleges that the Commission lacks jurisdiction with respect to the matters set forth in the Complaint because Judiciary Law § 47 provides that jurisdiction over a resigning judge terminates after 120 days, and Respondent resigned in March 2013 (Answer at 8-9: ¶¶ 19-24).²

Respondent’s second affirmative defense alleges unreasonable and prejudicial delay, in that “more than 11 years have passed since the Commission’s original investigation of the matters set forth in the Formal Written Complaint,” and the Commission’s “belated pursuit” of him “implicates and risks a violation of Respondent’s constitutional right to due process of law” in a proceeding that could result in his removal from judicial office (Answer at 9-10: ¶¶ 25-27). Respondent further alleges that “the Commission’s renewed pursuit” of him after he accepted his current judicial appointment and gave up other sources of income “[i]n reliance

² Respondent likewise denied allegations to a footnote in the Complaint concerning the Commission’s jurisdiction over him (Answer at 5: RESPONSE#12). This is a question of law, not fact, which is addressed in Point II, *infra*.

upon the inaction of the Commission,” and his presumed “limitations on the Commission’s jurisdiction set forth in Judiciary Law § 47,” could result in “adverse publicity” and “severe financial harm” if he were removed from office (Answer at 10-11: ¶¶ 28-33).

Respondent’s third affirmative defense alleges various mitigating circumstances (Answer at 11-13: ¶¶ 34-44), which are pertinent only to the question of sanction, and thus will not be discussed in this motion.

C. Statement of Facts

Respondent admitted the following facts in his answer:

1. On or about January 11, 2013, while serving as Associate Judge of the Lackawanna City Court, Respondent arranged and presided in court over a sham proceeding, during which *inter alia* he engaged in a colloquy on the record with a police officer who he knew was impersonating a defendant. The defendant, Daniel E. Endress, who was an acquaintance of Respondent’s, was not present and had not submitted any evidence concerning the unclassified misdemeanor traffic offense with which he had been charged. No prosecutor was present (Answer at 2: ¶5, RESPONSE#5).

2. Following the sham proceeding, Respondent dismissed the charge against Mr. Endress. Consequently, on or about February 7, 2014, Respondent was suspended from the practice of law by the Appellate Division, Fourth Department,

which *inter alia* found that his actions in connection with the sham proceeding constituted “serious misconduct” (Answer at 3: ¶6, RESPONSE#6).

3. On or about December 7, 2012, an officer of the Lackawanna Police Department issued a simplified traffic information to Daniel E. Endress, an acquaintance of Respondent’s, charging him with operating a motor vehicle with a suspended registration (Vehicle and Traffic Law § 512), an unclassified misdemeanor. The ticket was returnable before Lackawanna City Court Judge Frederic J. Marrano on or about January 14, 2013 (Answer at 3: ¶7, RESPONSE#7).

4. On or about December 24, 2012, at a social event, Respondent spoke with Mr. Endress, who mentioned the pending traffic ticket. Respondent took the ticket and stated that he would “take care of it” (Answer at 3-4: ¶8, RESPONSE#8).

5. On or about January 11, 2013, at Respondent’s request, John Hruby, a Lackawanna Police Officer assigned to Respondent’s courtroom for security, posed as Mr. Endress in an appearance on the record. Respondent and the court officer engaged in a sham colloquy during which Officer Hruby masqueraded as the defendant. At no time during this sham proceeding did a prosecutor or the actual defendant appear or submit documentation regarding the insurance coverage for the vehicle in question (Answer at 4: ¶9, RESPONSE#9).

6. On or about January 11, 2013, following the colloquy between Respondent and Officer Hruby, Respondent stated from the bench that, “in anticipation of what the District Attorney’s Office would do,” he was dismissing the traffic ticket in the interest of justice (Answer at 4: ¶10, RESPONSE#10).

7. In or about March 2013, after learning that he was under investigation for his conduct in *Endress*, Respondent resigned his position as Associate Judge in the Lackawanna City Court but did not stipulate or otherwise commit never to seek or accept judicial office in the future (Answer at 5: ¶12, RESPONSE#12).

8. In an Opinion dated February 7, 2014, the Appellate Division, Fourth Department, concluded that by his admitted actions in connection with dismissing the charge against Mr. Endress, Respondent violated the Rules of Professional Conduct, in that *inter alia* he engaged in illegal, dishonest, and deceitful conduct that was prejudicial to the administration of justice. The Court further concluded that Respondent had “committed serious misconduct” and should be suspended from the practice of law for a minimum of two years (Answer at 5-6: ¶13, RESPONSE#13).

9. In accordance with its Opinion, the Appellate Division issued an Order, dated February 7, 2014, finding Respondent “guilty of professional misconduct,” and, *inter alia*, ordering that for a period of two years and until further order of the court, Respondent was “to desist and refrain from the practice of law in any form”

and was “forbidden to appear as an attorney or counselor at law before any court, judge, justice, board, commission or other public authority, or to give another an opinion as to the law or its application, or any advice with relation thereto”

(Answer at 6: ¶14, RESPONSE#14).

10. In or about March 2016, the term of Respondent’s suspension as an attorney ended, and he returned to the practice of law (Answer at 6: ¶15, RESPONSE#15).

11. On or about March 1, 2024, Respondent was appointed by the Mayor of Lackawanna as Associate Judge of the Lackawanna City Court, for a term ending on or about February 28, 2030 (Answer at 7: ¶16, RESPONSE#16).

POINT I

RESPONDENT’S IMPROPER *EX PARTE* DISMISSAL OF AN ACQUAINTANCE’S TRAFFIC TICKET CONSTITUTES CLEAR MISCONDUCT, AND BECAUSE NO MATERIAL FACTS ARE IN DISPUTE, SUMMARY DETERMINATION IS APPROPRIATE AS A MATTER OF LAW.

“Ticket fixing – asserting special influence to obtain favorable treatment in traffic cases or acceding to requests for special consideration – strikes at the heart of our system of justice, which is based on equal treatment for all.” *Matter of Aluzzi*, 2018 Ann Rep of NY Commn on Jud Conduct at 63, 70. As the Commission recognized, the Court on the Judiciary long ago declared that a request for special consideration in the disposition of a case by a judge “is wrong,

and always has been wrong,” such that “a judicial officer who accords or requests special treatment or favoritism to a defendant in his court or another judge’s court, is guilty of *malum in se* misconduct constituting cause for discipline” *Id.* (internal quotation and citation omitted). Over 150 judges have been publicly disciplined for ticket-fixing since the late 1970s, and with the resultant “significant body of case law, every judge in New York State should be cognizant that such conduct is prohibited.” *Id.* at 71.

Here, it is undisputed that Respondent fixed a ticket for an acquaintance by orchestrating a sham proceeding in which he had a court officer pretend to be the acquaintance offering non-existent exonerating evidence, after which Respondent dismissed the ticket in the interest of justice – all without the prosecutor present.

In doing so, Respondent violated a host of ethical rules that require a judge to observe high standards of conduct both on and off the bench, prohibit a judge from allowing personal relationships to influence the judge’s duties and lending the prestige of judicial office to advance the interests of another, require a judge to accord every person who has an interest in a proceeding the right to be heard and demand that staff, court officials, and others subject to his direction and control observe standards of fidelity and diligence, and require a judge to dispose of all judicial matters fairly and disqualify himself from matters in which his impartiality might reasonably be questioned. Rules §§ 100.1, 100.2(A), 100.2(B), 100.3(B)(1),

100.3(B)(4), 100.3(B)(6), 100.3(B)(7), 100.3(C)(2) and 100.3(E)(1)(a). Indeed, the Commission has repeatedly disciplined judges for similar misconduct. *See, e.g., Aluzzi*, 2018 Ann Rep at 65-68 (judge attempted to get a ticket issued to an acquaintance dismissed); *Matter of Olcott*, 2024 Ann Rep of NY Commn on Jud Conduct at 155 (judge dismissed traffic ticket issued to his son despite matter being assigned to his co-judge); *Matter of Schurr*, 2010 Ann Rep of NY Commn on Jud Conduct at 221, 227 (judge reduced speeding charges without the consent of the prosecutor and based on an *ex parte* conversation); *Matter of Valcich*, 2008 Ann Rep of NY Commn on Jud Conduct at 221 (judge failed to disqualify despite a social relationship with the defendant and granted an adjournment in contemplation of dismissal without the prosecutor's consent).

Because there are no material facts in dispute, summary determination should be granted. Section 7000.6(c) of the Commission's Operating Procedures and Rules (22 NYCRR 7000.6[c]) provides that:

[e]ither party may move before the commission for a summary determination upon all or any part of the issues being adjudicated, if the pleadings, and any supplementary materials, show that there is no genuine issue as to any material fact and that the moving party is entitled to such decision as a matter of law.

Here, Respondent admitted all the material factual allegations charged by the Commission. Of course, that is not surprising, as Respondent previously admitted those same factual allegations in an attorney disciplinary proceeding, during which he was represented by counsel, after which they were sustained by the Appellate Division, which found that he had committed “serious misconduct.” *Violanti*, 114 AD3d at 161.

Given Respondent’s admissions, the Commission’s reliance on the same material facts found by the Appellate Division, and Court of Appeals precedents, (A) there is no need to relitigate those facts here, and (B) summary determination is appropriate as a matter of law. *See, Matter of Tamsen*, 100 NY2d 19, 21 (2003) (summary determination based on prior attorney disbarment proceeding appropriate when respondent was given the opportunity to be heard on issues of law and sanction); *Matter of Embser*, 90 NY2d 711, 715 (1997) (summary determination based upon findings of prior attorney disciplinary proceeding). In fact, inasmuch as the allegations in the Complaint are predicated upon the findings of the Appellate Division, the facts are deemed established under the doctrine of collateral estoppel and cannot be relitigated. *See Kaufman v Elie Lilly and Co*, 65 NY2d 449, 456 (1985) (“[C]ollateral estoppel precludes a party from relitigating ‘an issue that had been decided against him in a prior proceeding in which he had a fair opportunity to litigate that point’”) (citation omitted); *See, e.g., Matter of*

Simon, 169 AD3d 211, 214 (2d Dept 2019); *Matter of Abady*, 22 AD3d 71, 85-86 (1st Dept 2005).

To be sure, Respondent made two factual denials in his Answer: that he did not dismiss the charges “on the basis of fictitious evidence” (Answer at 3: RESPONSE #6), and that Officer Hruby did not “submit[] documents to Respondent purporting to establish that the suspended registration was the result of an insurance company error” (Answer at 4: RESPONSE #9). Both are pedantic and inconsequential. The Appellate Division found that “the court officer and respondent engaged in a colloquy on the record indicating that the acquaintance was submitting to respondent certain documents establishing that the alleged suspended registration was the result of an insurance company error,” and that Respondent thereafter “stated that he was dismissing the traffic ticket in the interest of justice.” *Violanti*, 114 AD3d at 160. While Respondent may have explicitly premised the dismissal on “the interest of justice,” his admitted basis for that dismissal – as determined by the Appellate Division – was nonexistent “documents establishing that the alleged suspended registration was the result of an insurance company error.” *Id.* And, while Respondent now seems to suggest that the court officer did not actually submit any such fake documents to the court, but merely “indicat[ed]” that he was doing so (*id.*), that peripheral detail does not alter the gravamen of Respondent’s admitted misconduct.

All told, the Commission charged Respondent with orchestrating a sham court proceeding in which a court officer posed as an acquaintance of Respondent and the two engaged in a bogus colloquy about the acquaintance's traffic ticket, after which Respondent dismissed the ticket without the prosecutor or defendant present. Respondent admitted as much during an attorney disciplinary proceeding arising out of the same sham colloquy, and the Appellate Division made concurrent findings before suspending Respondent from the practice of law for two years. Accordingly, there are no material facts in dispute before the Commission, and summary determination should be granted. 22 NYCRR 7000.6(c).

POINT II

THE COMMISSION HAS JURISDICTION OVER RESPONDENT BECAUSE HE CURRENTLY IS A JUDGE OF THE UNIFIED COURT SYSTEM, AND THE FACT THAT HIS MISCONDUCT OCCURRED DURING HIS PRIOR JUDICIAL TERM DOES NOTHING TO DIVEST THAT JURISDICTION.

The Commission has authority to investigate the conduct and fitness of any judge of the Unified Court System, and to determine whether that judge should be disciplined. NY Const, art VI, § 22(a). Though Respondent is currently a judge of the Unified Court System, he claims the Commission does not have jurisdiction over him as to the charges here because they arose from conduct he committed during his prior term of a judge, which ended in March 2013. Respondent argues that, because the Commission loses jurisdiction over a judge 120 days after the end

of his term (*see* Judiciary Law § 47), its jurisdiction “expired” in 2013 “and may not now be resurrected” (Answer at 8-9: ¶¶ 19-24).

Both the Court of Appeals and the Commission have squarely rejected that argument and made clear that former judges who regain judicial office are subject to resumed jurisdiction of the Commission for misconduct they committed during their prior judicial terms.

This precise scenario arose in *Matter of Dillon*, 2003 Ann Rep of NY Commn on Jud Conduct at 101. In 1997, while serving as a Westchester County Court judge, the respondent made inappropriate comments in the wake of a jury trial. He lost reelection in November 1997, left office on December 31 of that year, but was elected to a different judicial office – Supreme Court, Westchester County – in November 1999. After he returned to the bench in January 2000, the Commission charged him with misconduct as to the inappropriate comments he had made as a county court judge in 1997. In unanimously rejecting a challenge to the Commission’s jurisdiction, the Commission expressly held “that a judge can be disciplined for misconduct that occurred during a prior term of office, notwithstanding that the judge, after leaving office, did not serve as a judge for several years and later assumed a different judicial office.” *Id.* at 105 (citing *Matter of Bailey*, 67 NY2d 61 [1986]). That is precisely what occurred here.

Moreover, the Court of Appeals has more broadly held that a judge may be subject to discipline – including removal from office – for misconduct committed during a prior term of judicial service, as well as for personal and professional misconduct the judge committed prior to becoming a judge in the first place. In *Bailey*, 67 NY2d at 63-64, the Court held that a judge was subject to the Commission’s jurisdiction and upheld the sanction of removal for misconduct the judge committed during a prior term of office that had ended several years earlier. The Court reasoned that “[t]o conclude that misconduct which the Legislature has expressly provided shall forever disqualify from judicial office can be absolved by election to a new judicial office (or reelection to the same office) after the misconduct became known would be a perversion of both logic and legislative intent”). Similarly, in *Matter of Sarisohn*, 21 NY2d 36, 46 (1967), the Court ruled against a judge who argued that he could not be removed for misconduct that occurred while he held a prior judicial office, holding that “[i]t would be an unseemly and unsound distinction with respect to a matter affecting general character and fitness to immunize a Judge from his prior misconduct of lesser or higher rank.” *See also Matter of Hedges*, 20 NY3d 677 (2013) (the fact that the personal misconduct at issue predated the respondent’s commencement of judicial office does not prevent the Commission from imposing discipline); *Matter of Tamsen*, 2003 Ann Rep of NY Commn on Jud Conduct at 167, 169-70, *aff’d* 100

NY2d 19 (2003) (same, as to misconduct as an attorney); *Matter of Mason*, 2003 Ann Rep of NY Commn on Jud Conduct at 227, 248, *aff'd* 100 NY2d 56 (2003) (same).

Given that settled precedent, Respondent's jurisdictional claim must be rejected.

POINT III

THE COMMISSION'S RENEWED INVESTIGATION INTO RESPONDENT'S MISCONDUCT IS REASONABLE AND APPROPRIATE.

In his Answer, Respondent argues as his second affirmative defense that the Commission has acted with "unreasonable and prejudicial delay" by bringing this Complaint "[m]ore than 11 years" after it began its "original investigation of the matters set forth in the Formal Written Complaint" (Answer at 9: ¶ 25). He further contends that he will suffer "substantial actual prejudice if this proceeding is allowed to continue and results in his removal of judicial office," because he relied on the Commission's "abandon[ment]" of its investigation and "inactivity . . . since his resignation from judicial office in March 2013," as well as the "limitations on the Commission's jurisdiction set forth in Judiciary Law § 47," when he accepted the appointment to his current judgeship, closed his private law practice, resigned his position as counsel to the Lackawanna City School District, and "determined that the compensation he would earn" from his current judicial office "would

constitute his primary source of income” (Answer at 9-10: ¶¶ 26-31). Thus, Respondent claims, the Commission’s “belated pursuit of his proceeding implicates and risks a violation of Respondent’s constitutional right to due process of law” (Answer at 9: ¶ 27). These claims are meritless.

First, Respondent has only himself to blame for the 11-year lapse between his misconduct and the current charges, as he chose to resign his judgeship in 2013 instead of holding himself accountable before the Commission. Had Respondent not fled the bench, these charges could have been brought at the time. Respondent’s own actions made that impossible due to the jurisdictional limitations imposed on the Commission by Judiciary Law § 47. Put simply, the Commission had no constitutional authority over Respondent in the 10 years he was off the bench.

Because the Commission lawfully revived its investigation and brought charges against Respondent promptly upon his return to the bench (*see* Point II, *supra*), he cannot credibly complain now about a nonexistent delay. *Cf People v Hayes*, 39 AD3d 1173, 1174 (2d Dept 2007) (no due process violation based on 16-year delay between death of victim and ensuing murder prosecution, where the delay was due in part to the defendant’s own actions); *People v Wing Kueng Tsang*, 284 AD2d 218, 218 (1st Dept 2001) (same, “delay of more than 20 years”); *see also Matter of Aison*, 2010 Ann Rep of NY Commn on Jud Conduct at 62, 70

(in dissent) (“there is no statute of limitations for judicial misconduct”); *see generally Hedges*, 20 NY3d at 679-80 (judge removed after resignation from office for conduct that occurred 40 years prior, and 13 years before he took the bench).

Moreover, while Respondent claims to have “reli[ed] upon the inactivity of the Commission since his resignation from judicial office” (Answer at 10: ¶ 31), the Commission’s revival of its investigation and issuance of charges following his return to the bench should have come as no surprise. Indeed, the same precedent that permits the Commission’s renewed jurisdiction demonstrates its usual practice of reopening investigations that were rendered dormant by a judge’s abrupt departure from office. *See Bailey*, 67 NY2d at 62-63 (judge charged and disciplined based on misconduct during prior judicial term following three-year absence from the bench); *Dillon*, 2003 Ann Rep at 101-02 (same, three-year absence); *see also Matter of Branagan*, 2021 Ann Rep of NY Commn on Jud Conduct at 68 (judge charged upon returning to the bench after 13-year absence).

Thus, it is no secret that the Commission may reassert jurisdiction after a judge’s hiatus from the bench – a fact that Respondent, a lawyer with “a substantial” civil practice and a two-time judge (Answer at 9: ¶ 20), would have known had he done even a modicum of research into the matter. Accordingly, if Respondent blindly “reli[ed] upon the inaction of the Commission” in accepting his current position based on his own assumptions regarding or misunderstandings

of the Commission's powers and procedures (Answer at 10: ¶¶ 28-31), he did so at his own peril.

Now that Respondent has accepted new judicial office, public policy demands that he face responsibility for his actions in breach of the public trust. As the Court of Appeals has held, “[i]t would be an unseemly and unsound distinction with respect to a matter affecting general character and fitness to immunize a Judge from his prior misconduct” by virtue of the fact that he left office after committing such misconduct and then returned to the bench at a later date. *Sarisohn*, 21 NY2d at 46; *see also Bailey*, 67 NY2d at 64.

CONCLUSION

For the foregoing reasons, Commission Counsel respectfully requests that the Commission grant this motion for summary determination, find that Respondent has engaged in judicial misconduct, and set a schedule for briefs and oral argument before the Commission on the issue of sanction.

Dated: November 1, 2024
Rochester, New York

Respectfully submitted,

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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

LOUIS P. VIOLANTI

an Associate Judge of the Lackawanna City
Court, Erie County.

**RESPONSE MEMORANDUM OF RESPONDENT
IN SUPPORT OF DISMISSAL OF
FORMAL WRITTEN COMPLAINT
AND IN OPPOSITION TO
MOTION FOR SUMMARY DETERMINATION**

Dated: Buffalo, New York
November 18, 2024.

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PRELIMINARY STATEMENT

This Memorandum is respectfully submitted on behalf of Respondent, Louis P. Violanti, an Associate Judge of the Lackawanna City Court, Erie County. While Respondent agrees that there are no material factual disputes as to his misconduct, he nonetheless disagrees on jurisdictional and constitutional grounds with the argument that a summary determination of this matter is appropriate.

As set forth in the **FIRST AFFIRMATIVE DEFENSE** of the **VERIFIED ANSWER**, at ¶¶ 19-24, after Commission Counsel had commenced an investigation of the misconduct of Respondent in or about January 2013, Counsel then had a period of 120 days following Respondent's letter of resignation from judicial office, dated March 16, 2013, to complete that investigation pursuant to NY Judiciary Law §47. (A copy of Respondent's letter of resignation is annexed to the **VERIFIED ANSWER** as **Exhibit A.**) Commission Counsel's failure to complete its investigation and ensure that the determination of the Commission was transmitted to the Chief Judge of the Court of Appeals within 120 days of Respondent's resignation constituted a waiver of the jurisdiction of the Commission and Court of Appeals over this matter.

Pursuant to the **SECOND AFFIRMATIVE DEFENSE** of the **VERIFIED ANSWER**, at ¶¶ 25-33, the over 11 year delay of Commission Counsel in filing the pending **FORMAL WRITTEN COMPLAINT** against Respondent, particularly in light of its jurisdictional waiver identified above, has caused undue prejudice which encroaches upon Respondent's due process rights under the New York State and United States Constitutions.¹

¹ Consistent with the request set forth at page 1, note 1 of the Memorandum of Counsel to the Commission, Respondent requests that, should the arguments set forth above not be upheld, and the motion of Commission Counsel granted, a schedule then be set for memoranda to be filed and oral argument to be heard on the issue of sanction.

Respondent respectfully requests that the Commission schedule oral argument with respect to Commission Counsel's motion and Respondent's opposition.

INTRODUCTION

Respondent disagrees with the statements in the Memorandum by Counsel to the Commission's **INTRODUCTION**, at pages 1-2, that Respondent resigned his judicial office before the Commission could take any action against him and that the Commission "regained" jurisdiction in March 2024 when Respondent was reappointed to the Lackawanna City Court. Respondent otherwise agrees that he was returned to the bench after a 10-year absence. He agrees that, in January 2013, while serving as a Judge of the Lackawanna City Court, he arranged and presided over a sham proceeding in connection with a traffic ticket issued to one of his acquaintances. For this misconduct, he resigned from his judicial office. At that point, an investigation by Commission Counsel was pending, which then had to be completed, action taken by the Commission, and its determination transmitted to the Court of Appeals within 120 days of Respondent's resignation pursuant to NY Judiciary Law §47. Instead, Counsel abandoned its investigation, which led to a waiver of jurisdiction over the underlying matter after the statutorily designated period of 120 days lapsed.

When Respondent was reappointed to the same judicial position in March 2024, Commission Counsel sought to reopen an investigation of Respondent for this misconduct. As reflected in the **FORMAL WRITTEN COMPLAINT**, Respondent has now been charged with misconduct with respect to this 11 year old incident. While Respondent was the subject of a disciplinary proceeding before the Appellate Division, Fourth Department, with respect to this

incident following his resignation, which led to his suspension from the practice of law for 2 years, a summary determination of this matter is not appropriate.

In accordance with the terms of NY Judiciary Law §47, neither the Commission nor Court of Appeals has jurisdiction over this matter due to the failure of Commission Counsel to continue its investigation of this same matter following Respondent's resignation from office in or about January 2013. As stated above, that abandonment, which gave rise to a failure on the part of the Commission to transmit a determination to the Chief Judge of the Court of Appeals within 120 days after Respondent's resignation from judicial office in a letter dated March 6, 2013, operated to divest both the Commission and Court of Appeals of jurisdiction over this matter.

Commission Counsel acknowledges the existence of a prior investigation of this matter in or about January 2013 at three different points in its Memorandum. At page 2 of that submission, Commission Counsel states that it "reopened its investigation" of Respondent in or about March 2024. At page 18 of its Memorandum, Commission Counsel avers that the Commission "lawfully revived its investigation" upon Respondent's return to the bench in or about March 2024. At page 19 of this pleading, reference is again made to the "Commission's revival of its investigation." It is also alleged that cited precedent "permits the Commission's jurisdiction [and] demonstrates its usual practice of reopening investigations that were rendered dormant by a judge's abrupt departure from office."² To the contrary, the failure on the part of Commission Counsel to pursue that earlier investigation under the authority of NY Judiciary Law §47, and timely complete that investigation and remit its findings to the Commission for determination, followed by the transmittal of that determination to the Chief Judge of the Court of Appeals, within 120 days

² The underlining in the excerpts taken from Counsel's Memorandum is added for emphasis.

following Respondent's resignation from judicial office raises a jurisdictional bar to the pursuit of the pending proceeding by Commission Counsel.

ISSUES PRESENTED

- I. PURSUANT TO NY JUDICIARY LAW §47, DOES COMMISSION COUNSEL'S ABANDONMENT OF ITS EARLIER JANUARY 2013 INVESTIGATION OF RESPONDENT FOLLOWING HIS RESIGNATION FROM OFFICE DIVEST THE COMMISSION AND COURT OF APPEALS OF JURISDICTION OVER THIS MATTER?

- II. DUE TO COMMISSION COUNSEL'S ABANDONMENT OF ITS EARLIER INVESTIGATION OF RESPONDENT IN JANUARY 2013 FOLLOWING HIS RESIGNATION FROM OFFICE, NOTWITHSTANDING JURISDICTIONAL AUTHORITY TO CONTINUE THAT INVESTIGATION PURSUANT TO NY JUDICIARY LAW §47, DOES THE FILING OF A FORMAL WRITTEN COMPLAINT 11 YEARS LATER BASED UPON THE SAME CONDUCT VIOLATE RESPONDENT'S CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW?

ARGUMENT

POINT I PURSUANT TO NY JUDICIARY LAW §47, COMMISSION COUNSEL'S ABANDONMENT OF ITS EARLIER JANUARY 2013 INVESTIGATION OF RESPONDENT FOLLOWING HIS RESIGNATION DIVESTS THE COMMISSION AND COURT OF APPEALS OF JURISDICTION OVER THIS MATTER.

The undisputed facts disclose that Respondent formally resigned his position as an Associate Judge of the Lackawanna City Court in a letter dated March 6, 2013. An investigation of Respondent on the part of Commission Counsel was at that time pending. Rather than continue with its investigation in accordance with NY Judiciary Law §47, Counsel elected to close its investigation. In doing so, it is the position of Respondent that, under the terms of §47, Commission Counsel waived the right to reassert jurisdiction 11 years later with respect to the same misconduct that had formed the basis for its 2013 aborted investigation of Respondent.

A. NY Judiciary Law §47

NY Judiciary Law §47, in its entirety, provides as follows:

§47 Resignation not to divest commission or court of appeals of jurisdiction.

The jurisdiction of the court of appeals and the commission pursuant to this article shall continue notwithstanding that a judge resigns from office after a determination of the commission that the judge be removed from office has been transmitted to the chief judge of the court of appeals, or in any case in which the commission's determination that a judge should be removed from office shall be transmitted to the chief judge of the court of appeals within 120 days after receipt by the chief administrator of the courts of the resignation of such judge. Any determination by the court of appeals that a judge who has resigned should be removed from office shall render such judge ineligible to hold any other judicial office. The chief administrator of the courts shall give written notice to the commission of the resignation of any judge who is the subject of an investigation within 5 days after his receipt thereof.

This statute addresses the jurisdiction of the Commission and the Court of Appeals in those instances when a judge who is then the subject of an investigation by Commission Counsel resigns from office. The first portion of the statute confirms that jurisdiction over the judge continues in those instances when the Commission has made a removal determination which has been transmitted to the Chief Judge of the Court of Appeals. The second portion of the statute addresses, *inter alia*, instances when an investigation of a judge is pending at the time of resignation, and provides for a period of 120 days from receipt of notice of the judge's resignation to transmit a removal determination to the Chief Judge of the Court of Appeals.

By virtue of the language of the statute, in those instances when a judge who is the subject of an investigation by Commission Counsel resigns, the retention of jurisdiction over that judge requires that one of the two identified conditions be satisfied. In the case of Respondent, since a determination had not been made by the Commission as of the date of his resignation that he should be removed from office, Commission Counsel was required to complete its investigation, present

the matter to the Commission for determination, and cause that determination to be transmitted to the Chief Judge within 120 days of receipt of notice of Respondent's resignation. In failing to proceed in this fashion, and instead abandoning its investigation of Respondent following his resignation, jurisdiction over the misconduct that was the subject of that investigation was relinquished for all of time.

The Court of Appeals has described the import of the jurisdictional grant set forth in NY Judiciary Law §47 in the following terms:

Judiciary Law section 47 grants the Commission on Judicial Conduct and this Court jurisdiction to remove a resigned judge for 120 days from the date of resignation. . . . Judiciary Law section 47's grant of continued jurisdiction over former Judges comports with the State's Constitution as well as its underlying policy. . . . The fact that a particular Judge may no longer hold that office at the time removal is sought or recommended by the Commission, due to the Judge's post misconduct resignation, does not preclude the Commission or this Court from exercising their respective disciplinary powers.

Matter of Backal, 87 N.Y.2d 1, 6-7 (1995). The repeated contrary contention in the Memorandum by Counsel that resignation of a judge who is then under investigation prevents that investigation from being completed is incorrect.

The Commission, in a Concurring Opinion by Member Joel Cohen, Esq., has interpreted §47 in the same fashion:

Parenthetically, if Judge Feeder had resigned his judgeship, the Commission under Judiciary Law Section 47 would retain jurisdiction for 120 days past his resignation in order to file a determination of removal, likewise barring him from judicial office in the future; in extending the Commission's jurisdiction for that purpose, the statute underscores the rationale for removing a judge in certain instances notwithstanding the judge's departure from the bench.

Matter of Feeder, 2013 Ann Rep of NY Commn on Jud Conduct at 149 (January 31, 2012).

For its part, Commission Counsel regularly acknowledges this fact in Stipulations used to resolve its investigations. For example, its Memorandum by Counsel in this case, at page 19, cites *Matter of Branagan*, 2021 Ann Rep of NY Commn on Jud Conduct at 68 (executed July 13 and 22, 2020), which provides, at 69 ¶5, the following: "Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from a judge's resignation to complete proceedings and, if it so determines, render and file a determination that the judge should be removed from office."

By failing in the case of Respondent to proceed with its investigation in accordance with the grant of jurisdiction provided for in NY Judiciary Law §47 upon receiving notice of his resignation, Commission Counsel waived the jurisdiction of the Commission and the Court of Appeals over the underlying misconduct of Respondent that formed the basis for his resignation.

B. The Rules of Statutory Interpretation

The enactment of a specific statute addressing jurisdiction of the Commission and Court of Appeals in cases when a judge resigns from office constitutes a definitive statement by the legislature with respect to the grant of jurisdiction in those instances. That is to say, in this specific class of cases, including instances when a judge who is under investigation by Commission Counsel resigns, jurisdiction of the Commission and Court of Appeals with respect to that matter continues, but only to the extent one of the two conditions set forth in that statute is satisfied. A failure to satisfy one of those conditions waives the explicit legislative grant of jurisdiction. The statute makes no provision for a later revival of that jurisdiction under any circumstance.

The Court of Appeals has provided the following guidance with respect to the construction of statutory language:

1. "In statutory interpretation cases, the Court's 'primary consideration' is to ascertain and give effect to the intention of the legislature' ' [citation]. The statutory text is the clearest indicator of legislative intent 'and courts should construe unambiguous language to give effect to its plain meaning' [citation]." *Mestecky v. City of New York*, 30 N.Y.3d 239, 243 (2017).
2. "In interpreting a statute, the starting point in any analysis must be the plain meaning of the statutory language [citations]. We have recognized that meaning and effect should be given to every word of a statute. 'Words are not to be rejected as superfluous where it is practicable to give each a distinct and separate meaning' [citations]." *Leader v. Maroney, Ponzini & Spencer*, 97 N.Y.2d 95, 104 (2001).
3. "Whenever possible, statutory language should be harmonized, giving effect to each component and avoiding a construction that treats a word or phrase as superfluous [citation]." *Lemma v. Nassau County Police Officer Indemnification Board*, 31 N.Y.3d 523, 528 (2018).

In this instance, NY Judiciary Law §47's introductory heading unequivocally sets forth the subject matter the statute is intended to address: "Resignation not to divest commission or court of appeals of jurisdiction." The language of the statute itself is then clear with respect to the scope of the jurisdiction that is granted in cases when a judge resigns, including instances when that resignation occurs during the pendency of an investigation. As stated above, nowhere does the statute state that, should Commission Counsel choose to discontinue a pending investigation at the moment of the resignation of the judge who is then under investigation, jurisdiction over that same matter may at some later time, as Commission Counsel argues, be "regained," "reopened," "revived," or "renewed." Memorandum by Counsel at 2, 18, and 19.

Any doubt regarding NY Judiciary Law §47's purpose in granting limited jurisdiction to the Commission and Court of Appeals in the case of a judge's resignation from office is put to rest by the Court of Appeals' statement in *Flynn v. State Ethics Com'n, Dept. of State, State of N.Y.*:

Notably, when the Legislature wishes to extend jurisdiction over former judicial officials in this branch of government, it does so explicitly. Judiciary Law § 47 expressly grants the Commission on Judicial Conduct and this Court some qualified extended removal authority over Judges, notwithstanding resignation from office. In this way, the Legislature has ensured, by specific and limited mandate, that unethical Judges would not escape only the most significant and ultimate sanction by resigning. Thus, that extended jurisdiction allows this Court to impose the lifetime bar from future judicial office rooted in the Judicial Conduct Commission's limited extension of power (citation).

87 N.Y.2d 199, 204 (1995) [underlining added for emphasis].

C. Commission Counsel's Authorities are Ill-Considered

At pages 14-15 of Commission Counsel's Memorandum, Respondent's argument with respect to NY Judiciary Law §47 is misstated by framing the operative event as the "end" of a judge's "term." To the contrary, as the statute makes clear, the operative event that invokes the jurisdictional grant set forth in §47 is the resignation of a judge, not the end of that judge's term. The statement on page 15 of the Memorandum by Counsel that both the Court of Appeals and the Commission have "squarely rejected" the argument set forth herein is incorrect. Telling is the fact that none of the authorities relied upon by Commission Counsel to support this statement addresses Respondent's position on the legislature's limited grant of jurisdiction in cases of judicial resignation.

The first authority relied upon by Commission Counsel, at page 15 of its submission, is *Matter of Dillon*, 2003 Ann Rep of NY Commn on Jud Conduct at 101. The facts underlying that

decision disclose that a County Court judge had engaged in misconduct in October 1997, was not re-elected in November of that year, and then left office in December 1997. Several years later, after being elected to the NYS Supreme Court in November 2019, the judge again took the bench in January 2020. An investigation with respect to his October 1997 misconduct was never initiated until October 2020. The case did not involve a judge who resigned while under investigation and, therefore, does not in any fashion address, as Commission Counsel asserts, the "precise scenario" presented herein. As set forth in the opinion of the Commission, the claim made by the respondent in the *Dillon* case was that the Commission did not have jurisdiction "to consider his conduct prior to his assuming his current judicial office." *Matter of Dillon* at 105. This decision is inapposite to the jurisdictional argument presented by Respondent herein.

In its pleading, Commission Counsel next addresses a series of cases that it acknowledges, by its own description, do not bear upon Respondent's contention. Those authorities are described as addressing the issues of "misconduct committed during a prior term of judicial service, as well as for personal and professional misconduct the judge committed prior to becoming a judge in the first place." Memorandum by Counsel at 16. None of the cited cases consider the jurisdiction of the Commission and Court of Appeals under the circumstance identified in NY Judiciary Law §47, when a judge resigns, including as here a judge who is then under investigation. Nonetheless each of the decisions relied upon by Commission Counsel is briefly addressed below.

At page 16 of its submission, *Matter of Bailey*, 67 N.Y.2d 61 (1986), is discussed. The issue considered in the *Bailey* opinion concerned a claim by the petitioning judge "that he cannot be removed from his position as Keeseville Justice for conduct of which the voters were aware at the time he was elected to that office, because to do so would disenfranchise the voters who elected

him." 67 N.Y.2d at 63. This issue of voter disenfranchisement has no bearing upon Respondent's jurisdictional argument.

Commission Counsel next relies upon *Matter of Sarishon*, 21 N.Y.2d 36 (1967). Memorandum by Counsel at 16. As with the *Bailey* opinion, the issue in *Sarishon* concerned "whether conduct prior to his election to the District Court may be considered" as part of the Commission's investigation. 21 N.Y.2d at 46. Respondent's position has nothing to do with pre-election conduct.

At page 16 of its submission, Commission Counsel refers to *Matter of Hedges*, 20 N.Y.3d 677 (2013). This opinion is the only authority cited by Counsel that involved resignation from office by a judge. The opinion of the Court of Appeals discloses the resignation took place on April 5, 2012. 20 N.Y.3d at 679. By comparison, the reported opinion of the Commission, *Matter of Hedges*, 2013 Ann Rep of NY Commn on Jud Conduct 151 (August 17, 2012), at 151, 156, states that the Commission's Formal Written Complaint was not filed until one month later on May 3, 2012, and the Commission's removal determination was issued on August 17, 2012. While the decision of the Court of Appeals recognizes in a footnote the applicability of §47 to the case (20 N.Y.2d at 679), there is no indication the statute's time restriction or the question of jurisdiction was raised as an issue by the respondent. In fact, the issue addressed by the Court of Appeals in *Hedges* concerned the purpose served by pursuing discipline of a resigned judge.

At pages 16-17 of the Memorandum by Counsel, reliance is placed upon *Matter of Tamsen*, 2003 Ann Rep of NY Commn on Jud Conduct at 167, *aff'd*, 100 N.Y.2d 19 (2003). The Commission framed the issue to be decided as removal "even though his misconduct predates his ascension to the bench" (2003 Ann Rep of NY Commn on Jud Conduct at 170). The Court of Appeals considered the propriety of removal "notwithstanding that all of the wrongdoings related

to conduct outside his judicial office' [citations]" (100 N.Y.2d at 22). The meaning and purpose of Judiciary Law §47 was not considered by either the Commission or the Court of Appeals in the *Tamsen* case.

The final authority cited by Commission Counsel, at page 17 of its submission, is *Matter of Mason*, 2003 Ann Rep of NY Commn on Jud Conduct 227, *aff'd*, 100 N.Y.2d 56 (2003). Once more, as disclosed in the Commission's decision, the issues addressed in the *Mason* matter, involving "conduct prior to his ascension to the bench" and "conduct, on or off the bench," have no bearing upon the jurisdictional issue raised by Respondent. 2003 Ann Rep of NY Commn on Jud Conduct at 248.

None of the authorities cited in the Memorandum by Counsel address Respondent's argument that the limited jurisdictional grant set forth in NY Judiciary Law §47, in the case of resignation by a judge, including instances when Commission Counsel has already exercised jurisdiction, must meet the explicit terms set forth in the statute; that is, the determination of the Commission regarding removal must be transmitted to the Chief Judge of the Court of Appeals within 120 days after receipt of notification of the judge's resignation. That condition not having been met in the case of Respondent following his resignation from office by letter dated March 6, 2013, Commission Counsel may not now reassert jurisdiction over that same matter 11 years after the fact.

POINT II DUE TO COMMISSION COUNSEL'S ABANDONMENT OF ITS EARLIER INVESTIGATION OF RESPONDENT IN JANUARY 2013 FOLLOWING HIS RESIGNATION, NOTWITHSTANDING JURISDICTIONAL AUTHORITY TO CONTINUE THAT INVESTIGATION PURSUANT TO NY JUDICIARY LAW §47, THE FILING OF A FORMAL WRITTEN COMPLAINT 11 YEARS LATER BASED UPON THE SAME CONDUCT VIOLATES RESPONDENT'S CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW.

The SECOND AFFIRMATIVE DEFENSE set forth in Respondent's VERIFIED ANSWER is based upon the 11 year delay in attempting to reassert jurisdiction over Respondent for conduct which took place in calendar year 2013. This Affirmative Defense outlines in detail the specific actual prejudice suffered by Respondent due to this delay. The degree of prejudice implicates Respondent's due process of law rights under both the New York State and United States Constitutions. His harm includes having shut down an active private law practice to accept reappointment to the bench, surrendering a substantial civil law client base, discharging experienced support staff, foregoing long-standing referral relationships with other civil practitioners in Western New York, reconstituting Respondent's private law practice in reliance upon the income that would be derived from Respondent's re-appointment as an Associate Judge of the Lackawanna City Court, resigning from a position as counsel to the Lackawanna City School District, and the specter of damaging adverse publicity that may arise dependent upon the outcome of this proceeding.

In opposition to this claim, Commission Counsel incorrectly argues, at page 18 of its submission, that "Respondent's own actions made (the filing of charges at the time of his resignation) impossible due to the jurisdictional limitations imposed on the Commission by Judiciary Law Section 47." Continuing, Commission Counsel asserts that "the Commission had no constitutional authority over Respondent in the 10 years he was off the bench." *Id.* As discussed above, Respondent's resignation did not in any sense remove the jurisdiction of the Commission

over him, rather, by virtue of NY Judiciary Law §47, that jurisdiction continued, subject only to the explicit time limitation set forth in the statute. The casting of blame upon Respondent for having relied upon the fact Commission Counsel would appropriately perform its statutory obligation pursuant to NY Judiciary Law §47 is misplaced. Commission Counsel, having chosen not to complete its investigation in 2013 in a timely fashion pursuant to §47, Respondent acted responsibly in accepting a judicial appointment earlier this year, more than a decade after Counsel had waived jurisdiction over his earlier misconduct in 2013.

In support of the argument that "the Commission lawfully revived its investigation" upon Respondent's return to the bench, reliance is strangely placed upon two reported criminal law decisions. Memorandum by Counsel at 18. Neither case has any bearing upon Commission Counsel's failure to complete an investigation which should have been continued in 2013 within the 4 month time period of Respondent's resignation provided for in NY Judiciary Law §47. Those two criminal law decisions, *People v. Hayes*, 39 A.D.3d 1173 (2d Dept. 2007), and *People v. Wing Kueng Tsang*, 284 A.D.2d 218 (1st Dept. 2001), respectively focused upon a defendant's attempt to make a death appear to be a suicide, and a defendant's flight out of state and use of aliases. These cases in no fashion excuse Commission Counsel's unconstitutional delay in attempting to reinstate an abandoned administrative proceeding against Respondent.

Reliance at pages 18-19 of Commission Counsel's submission upon the fact judicial misconduct is not subject to a statute of limitations, as recognized in a dissenting opinion in *Matter of Aison*, 2010 Ann Rep of NY Commn on Jud Conduct at 62, 70, is also of no moment. The underpinning of Respondent's argument is jurisdictional, which carries over and adds immense weight to the merit of his unconstitutional delay defense.

As discussed above, the *Hedges* decision by the Court of Appeals, re-cited at page 19 of the Memorandum by Counsel, is not meaningful as the judge in that case had resigned before the commencement of Commission Counsel's pursuit of formal charges and, once initiated, the Commission's determination was issued well within 120 days of the initiation of the investigation. The issue of unconstitutional delay was not addressed in that case, nor was a violation of NY Judiciary Law §47 raised by the respondent.

The repetition of Commission Counsel's earlier argument at page 19 of its submission that its existing investigation in 2013 had been "rendered dormant by a judge's abrupt departure from office[,]", citing the inapposite decisions in *Bailey* and *Dillon*, once more misstates the law. Far from rendering Commission Counsel's 2013 investigation of Respondent "dormant," NY Judiciary Law §47, by its express terms, obliged Counsel to vigorously pursue and complete that investigation over the four month period following Respondent's resignation. To reiterate, Commission Counsel's characterization of the present proceeding as a "revival" and "reopening" of its prior investigation is telling, as it confirms its then existing investigation of Respondent at the time of his resignation was not completed within NY Judiciary Law §47's 120 day time limitation.

The additional citation at page 19 of Commission Counsel's submission to *Matter of Branagan*, 2021 Ann Rep of NY Commn on Jud Conduct at 68, is inconsequential. *Branagan* constituted a stipulated disposition, not an opinion by the Commission. The facts of the matter disclosed that the Respondent, while serving as a Town Court Justice, agreed to resign that position based upon conduct that had "occurred more than a decade earlier as part of a prior term in that same position." *Id.* The Stipulation also includes a footnote regarding termination of the jurisdiction of the Commission at an earlier time, however, that procedural event was based upon

the expiration of the judge's previous term of office, not her resignation. Once more, this Stipulation, in addition to being non-dispositive, has no relevance to the issue raised by Respondent.

We respectfully disagree with the criticism of Respondent set forth at pages 19-20 of the Memorandum by Counsel, which alleges that his recent acceptance of reappointment to the bench was "based on his own assumptions regarding or misunderstandings of the Commission's powers and procedures." Both at the time of his resignation in 2013, and in more recently accepting the offer of judicial reappointment, Respondent relied in good faith upon the expressly defined limitation upon the jurisdiction of the Commission and Court of Appeals in cases of resignation set forth in NY Judiciary Law §47, as well as the expectation Commission Counsel would act in accordance with that explicit statutory grant of jurisdiction with respect to its then pending investigation.

The disclosed substantial harm to Respondent caused by Commission Counsel's 11 year delay in attempting to reassert jurisdiction that had expired 120 days after Respondent's resignation in 2013 is not questioned in the Memorandum by Counsel. Accordingly, Respondent requests that the Commission find that he has sustained and suffered prejudice due to each enumerated injury.

CONCLUSION

For the reasons set forth above, Respondent respectfully requests that the Commission dismiss the Formal Written Complaint based upon the absence of a proper jurisdictional basis for this proceeding under NY Judiciary Law §47, and upon the basis that there has been an unconstitutional delay on the part of Commission Counsel in its pursuit of discipline of

Respondent. For these reasons, Respondent also asks that the Commission deny Commission Counsel's motion for a summary determination.

Should the Commission not grant this relief, we respectfully join in the request of Commission Counsel that a schedule be set for briefs and oral argument before the Commission on the issue of sanction, giving due consideration to factors in mitigation.

Dated: Buffalo, New York
November 18, 2024.

/s/ Rodney O. Personius
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EXHIBIT C-2

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November 25, 2024

VIA EMAIL TO: [REDACTED]

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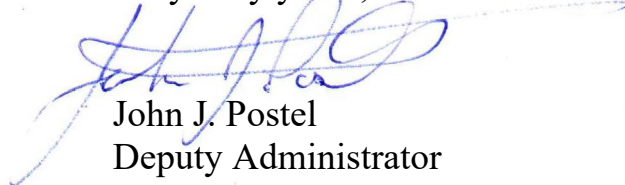
Re: Matter of Louis P. Violanti

Dear Ms. Zahner:

Enclosed please find Commission Counsel's Reply Memorandum and Affirmation in Support of the Motion for Summary Determination in the above-referenced matter.

The same is being sent to Respondent's attorney by email.

Very truly yours,


John J. Postel
Deputy Administrator

Enclosure

cc: Hon. Louis P. Violanti, c/o Rodney O. Personius, Esq.
VIA EMAIL TO [REDACTED]

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

LOUIS P. VIOLANTI,

an Associate Judge
of the Lackawanna City Court
Erie County.

**REPLY MEMORANDUM BY COUNSEL TO THE COMMISSION
IN SUPPORT OF MOTION FOR SUMMARY DETERMINATION**

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PRELIMINARY STATEMENT

This Reply Memorandum is respectfully submitted by Counsel to the Commission on Judicial Conduct (“Commission”) in response to the memorandum of the Honorable Louis P. Violanti (“Respondent”), an Associate Judge of the Lackawanna City Court, Erie County, dated November 18, 2024.¹ Commission counsel maintains that there are no material issues of fact and that summary determination is appropriate, and asks the Commission to determine that Respondent violated the Rules Governing Judicial Conduct (“Rules”).

POINT I

RESPONDENT’S ARGUMENT THAT THE COMMISSION DID OR EVEN COULD “WAIVE” ITS CONSTITUTIONAL JURISDICTION IS CONTRARY TO THE FACTS AND LAW.

Respondent concedes, as he must, that he committed serious misconduct when he orchestrated and presided over a sham proceeding in order to dismiss a traffic ticket for an acquaintance (Resp Mem: 2; Answer: Responses #3, 5-17). In the absence of any substantive defense, he offers a specious procedural defense that suffers from multiple factual and legal infirmities.

As set forth below and in the accompanying affirmation of John J. Postel, dated November 25, 2024, the Commission first learned about Respondent’s 2013 misconduct about 10 days after he resigned, when the report of an investigation

¹ In the event the Commission grants this motion, Commission Counsel requests that a schedule be set for memoranda to be filed and oral argument to be heard on the issue of sanction.

against Respondent was received from the Inspector General of the Unified Court System (“IG”). In view of Respondent’s resignation while under investigation by the IG, Commission staff did not request and the Commission did not authorize its own investigation of Respondent, either at that time or at any time prior to 2024. The Commission’s only investigation of the matters herein commenced when duly authorized by the Commission on March 14, 2024, after it was learned that Respondent had returned to the bench.

Inasmuch as Respondent’s defense rests entirely on the mistaken premise that the Commission “abandoned” a 2013 investigation it never actually initiated or conducted, his argument fails on that ground alone. Yet even if Respondent’s version of the facts were accurate, his legal argument is entirely untenable.

The Commission did not, and could not, “waive” its constitutional jurisdiction. Article VI, § 22 of the Constitution grants the Commission jurisdiction over “any judge or justice of the unified court system.” Judiciary Law § 47 extends that jurisdiction for a period of 120 days over judges who resigned after committing serious misconduct. That limited extension of jurisdiction over former judges in no way limits the Commission’s core constitutional jurisdiction over those who, like Respondent, are currently on the bench.

A. The Commission did not authorize or conduct an investigation into Respondent’s misconduct in 2013 – the Inspector General did.

As an initial matter, the factual record must be clarified: at no point prior to 2024 did the Commission authorize or open an investigation into Respondent’s 2013 misconduct (Postel Aff ¶¶ 3-6). In fact, the Commission first learned of the misconduct when it received the report of an IG investigation of Respondent approximately 10 days after he had resigned (*Id.* ¶ 3).²

Respondent did not resign in 2013 because of a Commission investigation. As the Appellate Division decision suspending his law license makes this clear, Respondent resigned “when he became aware of the [IG] investigation initiated by the Office of Court Administration.” *Matter of Violanti*, 114 AD3d 159, 161 (4th Dept 2014) (emphasis added). The Grievance Committee petition seeking Respondent’s suspension from the practice of law similarly notes that he resigned “[i]n the course of the investigation by the Office of the Inspector General on behalf of the Office of Court Administration” (Petition, Exhibit F, Postel Affirmation of November 1, 2024, at pp 3-4).

Inasmuch as Respondent was being investigated in 2013 by the IG, not by the Commission, the Commission could not have “abandoned” its own prior

² The 2013 IG investigation and the 2024 Commission investigation were mistakenly conflated in Commission Counsel’s original memorandum, which incorrectly suggested that a prior Commission investigation was “renewed,” “revived” or “reopened.”

investigation, as Respondent asserts (Resp Mem: 2-3), because there was no 2013 Commission investigation to abandon. Respondent's argument must thus fail, based as it is on a fatally flawed factual predicate.

B. Respondent's claim of protection under Judiciary Law § 47 is inapposite and overlooks his own failure to activate that provision in the prescribed manner.

Respondent's claim that the Commission's jurisdiction "expired 120 days after his resignation in 2013" (Resp Mem: 16) assumes an erroneous fact and misstates the law. A judge's resignation does not, by itself, start the 120-day clock created by Judiciary Law § 47.

Public Officers Law §§ 31(1)(d) and 31(2) require judges and justices who resign to do so by notifying the chief administrator of the courts.³ Judiciary Law § 47 gives the Commission 120 days of continuing jurisdiction over a judge who resigns, "after receipt by the chief administrator of the courts of the resignation of such judge" (emphasis added). Here, Respondent's resignation letter (Exhibit A to his Verified Answer) was not sent to then-Chief Administrative Judge A. Gail Prudenti, but to District Administrative Judge Paula L. Feroletto. As a result, the 120-day period that Respondent relies upon for his misguided "abandonment" argument was never activated.

³ When the chief administrator is a judge, the title becomes Chief Administrative Judge. Const Art VI, § 28.

This precise issue arose in *Montanelli v NYS Comm'n on Judicial Conduct*, 113 Misc 2d 526 (Sup Ct, Albany County 1986), where the judge argued that the Commission's jurisdiction had lapsed because it did not conclude its proceedings within 120 days of his resignation. The court disagreed, reasoning that because the judge sent his letter of resignation to the Town Board rather than the chief administrator of the courts, "the 120 days afforded to [the Commission] in which to make a determination [had] not yet commenced." *Id.* at 528. Seven months after Judge Montanelli sent his resignation letter to the town board, the Commission issued a determination removing him from office. *Matter of Montanelli*, 1987 Ann Rep of NY Commn on Jud Conduct at 121.

Here as in *Montanelli*, because Respondent failed to send his resignation to the chief administrator of the courts, as Judiciary Law § 47 clearly requires, the 120-day post-resignation jurisdictional period never commenced and thus, has not lapsed.

C. The Commission did not, and cannot, "waive" its constitutional jurisdiction. Judiciary Law § 47 extends its jurisdiction over resigned judges but does not constrain it as to judges currently on the bench.

As noted in Commission counsel's main memorandum (*see* pp 16-18), the Court of Appeals has repeatedly held that the Commission may investigate a sitting judge for misconduct that occurred years earlier during a prior term of judicial office, even where the judge left office for a time and then returned. The Court has

held that it would “be a perversion of both logic and legislative intent” to presume that a judge’s ethical transgressions could “be absolved by [appointment] to a new judicial office . . . after the misconduct became known.” *Matter of Bailey*, 67 NY2d 61, 63-64 (1986).

In arguing otherwise and contending that those precedents do not apply to him, Respondent fundamentally misunderstands Judiciary Law § 47. This statute’s sole function is to temporarily extend the Commission’s jurisdiction to certain nonjudges – specifically former judges who resigned from office. *See Matter of Flynn v State Ethics Commn*, 87 NY2d 199, 204 (1995). Since Respondent presently holds judicial office, obviously he is not a former judge, and there is no question that the Commission’s ordinary jurisdiction covers him. Because Respondent is a current judge, Article VI §22(a) of the New York Constitution and Judiciary Law § 44(1) grant the Commission jurisdiction over him, and Judiciary Law § 47 simply does not come into play.

Contrary to Respondent’s claim (Resp Mem: 2-4), even if the Commission had authorized an investigation into his conduct in 2013, and even if he had properly resigned via transmittal to the chief administrator of the courts, the Commission’s failure to render a determination within 120 days of the chief administrator’s receipt of the resignation letter would not raise any issue of “abandonment” or “waiver” of jurisdiction. Respondent cites no authority for the

extraordinary proposition that an administrative agency could somehow “waive” its constitutional jurisdiction, and Commission Counsel is aware of none. *See generally Union Pacific Railroad v Brotherhood of Locomotive Engineers and Trainmen*, 558 US 98 (2009) (holding that subject matter jurisdiction “can never be forfeited or waived” and rejecting the contention that an agency could impose rules that narrow the scope of its own jurisdiction). Nor is Judiciary Law § 47 a double jeopardy statute, as Respondent apparently misapprehends it to be.

In sum, now that Respondent has accepted new judicial office and is presently a judge, the Commission has jurisdiction over him for his 2013 misconduct.

POINT II

THE COMMISSION’S PRESENT CHARGES AGAINST RESPONDENT ARE REASONABLE, AND HIS DUE PROCESS CONCERNS ARE MERITLESS.

As set forth in Commission counsel’s main memorandum, Respondent has no basis to express surprise that the Commission would investigate his 2013 misconduct now that he holds judicial office again. Indeed, had Respondent performed even cursory research based on the Commission’s publicly available records, he would have discovered *Matter of Dillon* and its express holding that, as a “jurisdiction[al]” matter, “a judge can be disciplined for misconduct that occurred during a prior term of office, notwithstanding that the judge, after leaving office, did not serve as a judge for several years and later assumed a different

judicial office.” 2003 Ann Rep at 105 (citing *Bailey*, 67 NY2d at 61). Given the public availability of those cases, Respondent cannot credibly claim that he “relied in good faith” on his own wishful, tortured and unsupported interpretation of Judiciary Law § 47, in coming to believe that he would not face discipline for his 2013 misconduct upon returning to the bench in 2024 (Resp Br: 16). Worse still, Respondent, a sitting judge once again, seeks a rule insulating his misconduct behind a plea of ignorance, but there would be a “fundamental unfairness [to] holding citizens to ‘the traditional rule that ignorance of the law is no excuse,’ while allowing those ‘entrusted to enforce’ the law to be ignorant of it.” *United States v Chanthasouxat*, 342 F3d 1271, 1280 (11th Cir 2003) (quoting *Bryan v United States*, 524 US 184, 186 [1998]).

By orchestrating a sham proceeding in which a court officer posed as a litigant and pretended to submit non-existent evidence so that Respondent could fix the traffic ticket of an acquaintance who was not even there, Respondent undermined the rule of law and mocked the court system’s fundamental promise of a fair and impartial judiciary. Respondent believes the Commission should not be allowed to discipline him for that flagrant abuse of judicial authority, simply because he resigned before it could investigate him, notwithstanding that he sought and accepted a new judicial position years later. To permit that result, much less affirm its necessity as a matter of due process, would propagate “an unseemly and

unsound distinction with respect to a matter affecting general character and fitness to immunize a Judge from his prior misconduct”. *Matter of Sarisohn*, 21 NY2d 36, 46 (1967).


CONCLUSION

For the foregoing reasons, Commission Counsel respectfully requests that the Commission grant this motion for summary determination, find that Respondent has engaged in judicial misconduct, and set a schedule for briefs and oral argument before the Commission on the issue of sanction.

Dated: November 25, 2024
Rochester, New York

Respectfully submitted,

ROBERT H. TEMBECKJIAN
Administrator and Counsel to the
Commission on Judicial Conduct

By: 

John J. Postel, Esq.
Deputy Administrator
Commission on Judicial Conduct
400 Andrews Street, Suite 700
Rochester, New York 14604
(585) 784-4141

Of Counsel:

Edward Lindner, Esq.
Denise Buckley, Esq.
David Stromes, Esq.
David M. Duguay, Esq.

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

LOUIS P. VIOLANTI,

an Associate Judge of the
Lackawanna City Court, Erie County.

**AFFIRMATION IN SUPPORT
OF REPLY MEMORANDUM
FOR
SUMMARY DETERMINATION**

JOHN J. POSTEL, an attorney duly authorized to practice in the courts of the State of New York, affirms under the penalties of perjury:

1. I am a Deputy Administrator for the New York State Commission on Judicial Conduct (“Commission”). I submit this affirmation in support of a Reply Memorandum for summary determination in the above-captioned matter.

2. Pursuant to Section 44, subdivision 4, of the Judiciary Law of the State of New York, the Commission directed that a Formal Written Complaint (“Complaint”) be served upon the Honorable Louis P. Violanti (“Respondent”), an Associate Judge of the Lackawanna City Court, Erie County. That Complaint, dated August 12, 2024, was submitted as Exhibit A in my Affirmation In Support of Motion For Summary Determination in this matter, dated November 1, 2024.

3. The Commission did not, at any time on or before March 10, 2013, the date of Respondent’s resignation from judicial office, receive any complaint or report regarding the allegations specified in Exhibit A. The Commission first

learned of the allegations specified in Exhibit A approximately 10 days after Respondent resigned, when the report of an investigation against Respondent was received from the Inspector General of the Unified Court System.

4. In view of Respondent's resignation while under investigation by the Inspector General, Commission staff did not request and the Commission did not authorize its own investigation of Respondent for the allegations specified in Exhibit A – either at that time or at any time prior to 2024.

5. The Commission's only investigation of the allegations specified in Exhibit A commenced when duly authorized by the Commission on March 14, 2024, when it was learned that Respondent had returned to the bench.

6. On April 2, 2024, I sent Respondent a letter notifying him of the Commission's investigation and attaching a copy the Administrator's Complaint dated March 28, 2024. At no time prior to that date did I, or to my knowledge anyone else, contact Respondent regarding the Commission's investigation. A copy of the letter is annexed as Exhibit G.

7. As set forth more fully in the accompanying Reply Memorandum, the Commission has jurisdiction in this matter, and it is reasonable and appropriate to pursue discipline against Respondent for his admitted acts of misconduct.

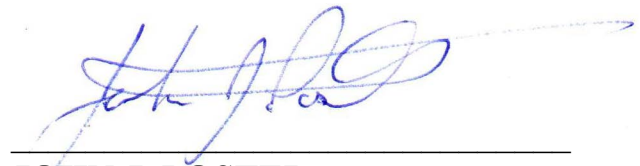
Respondent's assertion of mitigation remains relevant only to sanction and will be

addressed in the ordinary course if the Commission grants this motion as provided in the Commission's Operating Procedures & Rules, 22 NYCRR § 7000.6(c).

WHEREFORE, it is respectfully submitted (1) that there is neither any genuine issue as to any material fact nor jurisdictional impediment to the Commission's statutory authority in this matter, (2) that summary determination be entered finding that Charge I of the Complaint is sustained, (3) that Respondent has engaged in judicial misconduct, and (4) that a date be set for memoranda to be filed and oral argument to be heard on the issue of sanction.

I affirm this 25th day of November, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: November 25, 2024
Rochester, New York



JOHN J. POSTEL
Deputy Administrator
Commission on Judicial Conduct
400 Andrews Street, Suite 700
Rochester, New York 14604
(585) 784-4141



EXHIBIT G

NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

JOSEPH W. BELLUCK, CHAIR
TAA GRAYS, VICE CHAIR
HON. FERNANDO M. CAMACHO
BRIAN C. DOYLE
HON. JOHN A. FALK
HON. ROBERT J. MILLER
NINA M. MOORE
MARVIN RAY RASKIN
GRAHAM B. SEITER
HON. ANIL C. SINGH
AKOSUA GARCIA YEBOAH
MEMBERS
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CONFIDENTIAL

April 2, 2024

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

JOHN J. POSTEL
DEPUTY ADMINISTRATOR

M. KATHLEEN MARTIN
DAVID M. DUGUAY
CASSIE M. KOCHER
SENIOR ATTORNEYS

STEPHANIE A. FIX
STAFF ATTORNEY

VIA EMAIL TO: [REDACTED]

Hon. Louis P. Violanti
Judge of the Lackawanna City Court
Lackawanna City Hall
714 Ridge Road
Lackawanna, New York 14218

Re: File No. 2024/R-0119

Dear Judge Violanti:

Pursuant to Article 2-A of the Judiciary Law, the Commission on Judicial Conduct is investigating a complaint arising from your suspension from the practice of law by the Appellate Division, Fourth Department, for professional misconduct as an attorney.

Enclosed is a copy of the complaint, attached to which is a copy of the Opinion of the Appellate Division, Fourth Department (“Appellate Division”) dated February 7, 2014, suspending you from the practice of law in New York for two years. Also enclosed is a waiver permitting the Commission to obtain certain records from New York State’s Attorney Grievance Committees.

Hon. Louis P. Violanti

April 2, 2024

Page 2

For your reference, the Rules Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.¹

In the attached Opinion, the Appellate Division, based upon a record inclusive of your admissions, concluded that you violated several Rules of Professional Conduct by engaging in illegal conduct involving dishonesty, deceit or misrepresentation that was prejudicial to the administration of justice² while acting in your capacity as an Associate Judge of the Lackawanna City Court.

The Commission gives you this opportunity to present your views, if any, as to why it should not authorize a Formal Written Complaint and commence a summary removal proceeding against you, based on the foregoing. We prefer that you respond in the form of a letter attached to a reply email to the Commission at [REDACTED]. However, we will accept a reply typed into an email message, faxed to (518) 299-1757, or sent by US mail, UPS or other carrier.

Please note that, pursuant to Section 2.6(D)(3) of the Commission's Policy Manual, if your written reply is submitted by counsel, you must co-sign or submit a separate statement indicating that you have read and adopt it.

In addition to your response above, please also sign and return the enclosed waiver permitting the Commission to obtain any admonitions or other confidential dispositions imposed by any of New York State's Attorney Grievance Committees.

¹ <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>

² See, 22 NYCRR 1200, rules 8.4(b)(c) and (d).

Hon. Louis P. Violanti

April 2, 2024

Page 3

Please respond in writing to this inquiry by April 30, 2024. Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John J. Postel", with a long horizontal flourish extending to the right.

John J. Postel
Deputy Administrator

Enclosures

cc: David M. Duguay, Senior Attorney, via email to [REDACTED]

ADMINISTRATOR'S COMPLAINT

In the Matter of: Louis P. Violanti
Lackawanna City Court Judge
Erie County

Complaint # 2024/R-0119

Statutory Authorization

This complaint is filed at the direction of the State Commission on Judicial Conduct in compliance with Section 44, subdivision 2, of the Judiciary Law and is intended to serve as the basis for an investigation. In accordance with Section 44, subdivision 3, in the event that the above-named judge is required to appear before the Commission or any of its members or staff, this complaint will be served at the time the judge is notified in writing of the required appearance.

This complaint is not an accusatory instrument. It provides a basis to commence an investigation. Thus, a judge under investigation may be required to reply to other allegations in addition to those set forth below.

Complaint

Based upon the attached opinion of the Appellate Division, Fourth Department, which suspended Judge Violanti's law license for two years and noted his admission of serious misconduct in connection with a case over which he was presiding while previously serving as a judge, it is alleged that Judge Violanti, who has returned to the bench, engaged in judicial misconduct and/or lacks the fitness to be a judge.

New York, New York

Date Signed: March 28, 2024



Robert H. Tembeckjian, Administrator

Authorized on March 14, 2024

114 A.D.3d 159
Supreme Court, Appellate Division, Fourth Department, New York.

Matter of Louis P. Violanti, an Attorney, Respondent.
Grievance Committee of the Eighth Judicial District, Petitioner.

Feb. 7, 2014.

Opinion

PER CURIAM.

*160 Respondent was admitted to the practice of law by this Court on June 21, 2000, and maintains an office in Lackawanna. The Grievance Committee filed a petition alleging that respondent engaged in misconduct while he was an Associate Judge of the Lackawanna City Court, a position held by respondent from May 2007 through March 2013. Respondent filed an answer admitting material allegations of the petition and setting forth matters in mitigation, and he subsequently appeared before this Court and was heard in mitigation.

Respondent admits that, on December 7, 2012, the Lackawanna Police Department issued to an acquaintance of respondent a simplified traffic information charging the acquaintance with operating a motor vehicle with a suspended registration (Vehicle and Traffic Law § 512), an unclassified misdemeanor. Respondent further admits that, on December 24, 2012, he spoke with the acquaintance at a social event and, when the acquaintance mentioned the traffic ticket, respondent took the ticket and stated that he would “take care of it.” Respondent admits that, on January 11, 2013, at respondent's request, a court officer assigned to respondent's courtroom appeared before respondent posing as the acquaintance. Respondent additionally admits that the court officer and respondent engaged in a colloquy on the record indicating that the acquaintance was submitting to respondent certain documents establishing that the alleged suspended registration was the result of an insurance company error. Following that colloquy, respondent from the bench stated that he was dismissing the traffic ticket in the interest of justice, remarking that the prosecutor, who was not present, would have agreed to dismissal of the matter. Respondent admits in this proceeding that the acquaintance neither appeared in respondent's court nor submitted documentation regarding the insurance coverage for the vehicle in question. In March 2013, after the Office of Court Administration commenced *161 an investigation into respondent's conduct at issue in this proceeding, respondent resigned his position as Associate Judge.

We conclude that respondent has violated the following Rules of Professional Conduct:

rule 8.4 (b) (22 NYCRR 1200.0)—engaging in illegal conduct that adversely reflects on his honesty, trustworthiness or fitness as a lawyer;

rule 8.4 (c) (22 NYCRR 1200.0)—engaging in conduct involving dishonesty, deceit or misrepresentation;

rule 8.4 (d) (22 NYCRR 1200.0)—engaging in conduct that is prejudicial to the administration of justice; and

rule 8.4 (h) (22 NYCRR 1200.0)—engaging in conduct that adversely reflects on his fitness as a lawyer.

We have considered, in determining an appropriate sanction, the matters submitted by respondent in mitigation, including his longtime and substantial community involvement, as well as the fact that he derived no personal benefit from the misconduct. We have further considered that, when he became aware of the investigation initiated by the Office of Court Administration, respondent resigned from his judicial position and advised all parties involved to cooperate fully in the investigation. Finally, we have considered respondent's expression of remorse to this Court, which we find to be sincere. Respondent, however, has committed serious misconduct. Accordingly, after consideration of all of the factors in this matter, we conclude that respondent should be suspended from the practice of law for a period of two years and until further order of the Court. Order of suspension entered.

SMITH, J.P., FAHEY, CARNI, and SCONIERS, JJ., concur.

WAIVER

File No. 2024/R-0119

I, LOUIS P. VIOLANTI, a Judge of the Lackawanna City Court, Erie County, and an attorney admitted to the practice of law in the State of New York, hereby grant permission to any of the New York State Attorney Grievance Committees to provide copies of any and all admonitions and/or other confidential dispositions issued to me, along with all underlying and related communications, documents and records, to the New York State Commission on Judicial Conduct.

Dated: _____, 2024

Hon. Louis P. Violanti
Lackawanna City Judge

DOB: _____
Attorney Registration 3051646



EXHIBIT C-3

NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

JOSEPH W. BELLUCK, CHAIR
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CELIA A. ZAHNER
CLERK

CONFIDENTIAL

December 12, 2024

Via Email and USPS Tracking #: 9405509105156603954458

Rodney O. Personius, Esq. [REDACTED]
Personius Melber, LLP
2100 Main Place Tower, 350 Main Street
Buffalo, New York 14202

and

Robert H. Tembeckjian, Esq. [REDACTED]
Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006

Re: Matter of Louis P. Violanti

Counsellors:

Enclosed is the Commission's Decision and Order denying respondent's request to dismiss the Formal Written Complaint and granting Commission counsel's motion for summary determination in the above-referenced matter. Oral argument on the issue of sanction is scheduled for 2:00 p.m. on Thursday, January 30, 2025 at the Commission's New York City office at 61 Broadway, 12th floor. Please notify me via email at [REDACTED] no later than January 13, 2025 as to whether you intend to appear for oral argument.

You may submit a memorandum on sanction whether or not you choose to appear. Written submissions must be filed and received by the parties no later than January 3, 2025; replies, if any, must be filed and received no later than January

Rodney O. Personius, Esq.
Robert H. Tembeckjian, Esq.
December 12, 2024
Page 2

13, 2025. Late submissions will be rejected as untimely. Papers may be served and filed by email transmission and the original should be sent to my office.

I am also writing to advise you of the procedures relevant to this stage of the proceeding concerning the manner in which prior discipline, a letter of dismissal and caution and a letter of caution, if any, against a judge may be raised in a pending matter.

As to any prior discipline of the respondent judge (*i.e.*, admonition or censure), the Commission's policy is that Commission counsel and respondent may address such discipline in their briefs to the Commission and at oral argument for purposes of sanction only. Any prior discipline used in such a manner would become part of the record of the present proceeding.

As to any prior letter of dismissal and caution or letter of caution to the respondent judge that is not already in the record of the present proceeding, the procedure is similar. Commission counsel and respondent may address such letter in their briefs to the Commission and at oral argument for purposes of sanction only, and any prior letter used in such a manner would become part of the record of the present proceeding. (*See* Section 7000.4[b] of the Commission's Operating Procedures and Rules.)

If you have any questions on procedures, I am available to answer them.

Very truly yours,



Celia A. Zahner

Clerk of the Commission

cc: John J. Postel, Esq. [REDACTED]
David M. Duguay, Esq. [REDACTED]

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

LOUIS P. VIOLANTI,

An Associate Judge of the
Lackawanna City Court, Erie County.

DECISION
AND
ORDER

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Stefano Cambareri, Esq.
Brian C. Doyle, Esq.
Honorable John A. Falk
Honorable Robert J. Miller
Nina M. Moore, Ph.D.
Marvin Ray Raskin, Esq.
Honorable Anil C. Singh
Akosua Garcia Yeboah

APPEARANCES:

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

Personius Melber LLP (Rodney O. Personius) for Respondent

The matter having come before the Commission on December 12,

2024; and the Commission having before it the Formal Written Complaint dated August 12, 2024; and respondent having filed an Answer dated September 13, 2024; and Commission counsel, by notice of motion, supporting affirmation and memorandum dated November 1, 2024, having moved for summary determination and a finding that respondent's misconduct has been established; and respondent having filed a memorandum dated November 18, 2024 in opposition to the motion for summary determination and requesting dismissal of the Formal Written Complaint; and Commission counsel having filed a reply memorandum and supporting affirmation dated November 25, 2024 in support of the motion for summary determination; and Commission counsel and respondent having requested briefing and oral argument on the issue of sanction; and due deliberation having been had thereupon; now, therefore, the Commission

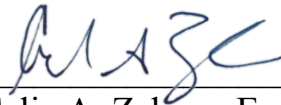
DETERMINES that respondent's request that the Formal Written Complaint be dismissed is denied; and

DETERMINES that Commission counsel's motion is granted; and it is

DETERMINED that Charge I of the Formal Written Complaint is sustained and respondent's misconduct is established; and it is

ORDERED that oral argument on the issue of sanction is scheduled for 2:00 p.m. on Thursday, January 30, 2025, at 61 Broadway, New York, New York.

Dated: December 12, 2024



Celia A. Zahner, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct



**CITY COURT OF LACKAWANNA
CITY HALL – 714 RIDGE ROAD
LACKAWANNA, NEW YORK 14218**

PHONE: (716) 845-7220 ~ FAX: (716) 845-7599

HON. KENNETH A. SZYSZKOWSKI
CHIEF JUDGE

HON. LOUIS P. VIOLANTI
ASSOCIATE JUDGE

January 2, 2024

Honorable Annette Iafallo
Mayor – City of Lackawanna
714 Ridge Road
Lackawanna, New York 14218

Please let this letter serve as official notice that I resigning my position of Associate Judge of Lackawanna City Court, as I have decided to move my legal career in a different direction. I expect that my last official date of service will be January 23, 2025.

I sincerely thank you for the opportunity to serve the great people of City of Lackawanna, State of New York, Eighth Judicial District and the best Court staff in the world. I will always look back on my time in Lackawanna City Court as some of the best in my life. I offer you my commitment to make the transition to the new Judge as effortless and seamless as I possibly can.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Louis P. Violanti".

Judge Louis P. Violanti

CC: Honorable Hon. Joseph A. Zayas
Honorable Kevin M. Carter
Honorable Jaharr Pridgen
Honorable Kenneth A. Szyszkowski