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District Court Judges Resigning Business Interests

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"In short, when one chooses to become a full-time Massachusetts judge he chooses at the same time to sacrifice the potential income to be derived from legal and business activities proper for a lawyer but improper for a judge."

—Supreme Judicial Court

District Court judges resigning business interests

By Margo Miller
Globe Staff

Massachusetts judges say they will resign from bank and business boards in compliance with January's Supreme Judicial Court directive that full-time judges ought to tend to court business only.

A Boston Globe survey indicates that perhaps 20 of the state's 94 full-time district court juvenile and probate judges will be affected. A subsequent article will canvass Superior and Supreme Judicial Court (SJC) judges.

The SJC directive is contained in the opinion which its five-judge panel issued in disbarring Superior Court Judge Edward J. DeSaulnier Jr. and censuring Superior Court Judge Vincent R. Brogna for their activities in allegedly, arranging a suspended sentence for stock swindler Michael J. Raymond in 1962.

Evidence presented at the DeSaulnier-Brogna hearing included information that DeSaulnier had a real estate broker's license. While the court found that he had not actually used the license, it took several pages in its opinion to define additional standards of personal and judicial conduct.

GUIDELINES
Louis H. Glaser, the Malden District

The proposed ABA Canons and Massachusetts law that bars Superior Court judges from engaging in business activities like public gambling.

JUDGE FLASCHNER

Chief Justice

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District Court judges resigning their business interests

**JUDGES** Continued from Page A-1

The state's full-time district, probate and juvenile court judges gave the following information as to their business or banking affiliations at the time of the SJC opinion and Globe survey.

**BARNSTABLE COUNTY** — Probate Judge Alfred C. Knight had already resigned from the board of a small family business not situated on the Cape or involved in the probate business; Barnstable District Court Judge Henry L. Murphy's present term at the Cape Cod Bank & Trust Co. was to expire in early February; Orleans District Court Judge Robert A. Welch may retire from the court (he is 69) or as president of the Seaman's Savings Bank, Provincetown.

**BERKSHIRE COUNTY** — Probate Judge F. Anthony Hanlon has no outside attachment or interest; Pittsfield District Court Judge Frank W. Cimini had already resigned from the Pittsfield Cooperative Bank.

**BRISTOL COUNTY** — Probate Judges Walter L. Constand and Beatrice H. Mullaney, Taunton District Court Judge Gordon M. Owen, New Bedford's Ernest C. Herrocks Jr. and Attleboro's Edward A. Lee say they have no outside ventures; Fall Rivers Milton B. Silva is on the BMC Durphey Trust Co. board.

**DUKE'S AND NANTUCKET COUNTIES** have no full-time probate or district court judges.

**ESSEX COUNTY** — Probate Judges John A. Costello (who is chief judge of the probate courts) and Albert P. Pecorillo, Salem District Court Judge Philip J. Durkin, Lawrence's Joseph F. Bascigalupo, Peabody's John E. Murphy and Lynn's Henry R. Mayo Jr. report no conflicts.

**FRANKLIN COUNTY** — Probate Judge Sanford Keedy had already resigned from the National Bank of Greenfield and Franklin County District Court Judge Samuel Blasberg said he could get off the Greenfield Savings Bank board "very easily." Mario Plazek, Westfield District Court Judge Arthur T. Garvey, Holyoke's Michael J. Donohue, Palmer's Helen P. Griffin and Springfield's William T. Walsh and Charles D. Sloan report no present outside commercial interests, although Garvey and Donohue had been on bank boards and Walsh teaches a law course one night a week at a local community college.

**HAMPDEN COUNTY** — Probate Judge Harry Jekanowski "is on verge of resigning" from the Holyoke Savings Bank and Northampton District Court Judge Luke Ryan, recently elevated to a full-time judgeship, has resigned "as an incorporator of a local bank.

**MIDDLESEX COUNTY** — Probate Judge William E. Hays resigned as a savings bank incorporator. His colleague Edward T. Marti was disqualified as a incorporator of the Lexington Savings Bank when appointed to the bench in 1969, and the third probate judge, Haskell C. Freedman resigned as a director of a small cooperative bank in Newton "a month or so before the Debarlupian opinion."

**PLYMOUTH COUNTY** — Probate Judges Francis P. Murphy and District Court Judges George A. White of Plymouth and James J. Mason, Waltham's Kevin R. Doyle, Cambridge's Haven Parker, Woburn's Francis P. Cullen and Concord's John P. Forte.

**NORFOLK COUNTY** — Probate Judge John Fox has resigned as a director of two corporations, one outside Massachusetts; his colleagues Robert M. Ford and Alfred L. Podolski report no outside business interests. Quincy District Court Judge Robert S. Prince says he will get off a bank board (not located in Quincy), Brookline's Martin Cohen, Dedham's Daniel H. Rider, Stoughton's George Sullivan Jr. and Westwood's Ellis F. Brown say they are not in conflict with the SJC directive.

**SUFFOLK COUNTY** — Probate Judge Edmund V. Keefe of the Municipal Court Judge Theodore A. Glynn Jr. could not be reached for comment, and Chelsea District Court Judge John W. MacLeod refused to comment.

**SUFFOLK COUNTY** — Probate Judge Robert Gardiner Wilson Jr., Boston Municipal Court Chief Justice Elam Allow, BMC Associate Justice Daniel J. Gilten, Howard W. Canavan, Joseph DiGuglielmo, Jacob Lewton and Francis X. Murray is, and Boston Juvenile Court Judge Francis G. Poirier report no conflicts. BMC Judge Harry Elam is resigning as a director of the Roxbury Manufacturing Co., from which he said he made no money; and his BMC colleague, Judge Frank Foster is arranging not to be reappointed to a bank board.

Brighton District Court Judge Charles J. Arsenais says he will have to get off the board of the US Trust Co. and East Boston's Gay J. Rizzotto will resign from the Enterprise Cooperative Bank; Charlestown's Richard C. Woods, Dorchester's Jerome P. Troy and Paul King, Roxbury's Charles J. Taylor, and South Boston's Thomas E. Linehan say they have no outside commercial or business interests; and Roxbury's Elwood S. McKay is waiting for clarification on his charter boat service and Boston University Law School teaching.

**SUFFOLK COUNTY** — Probate Judge Carl E. Wahlstrom was recently reappointed to the State Mutual Life Insurance Co., Fitchburg District Court Judge Everett H. Daly is on one bank board, Worcester's Wesley E. Mequig gave up his trusteeship of the Bay State Savings Bank the day after the SJC opinion came down and Gardner's John J. Melican resigned as a bank corporator. Clinton's William P. Constantino had given up his directorship of the Clinton Savings Bank several years ago. Southbridge's J. Arthur Barnes Jr., Westboro's Walter J. Mooses, Worcester's Walter D. Allen and Bruno J. DiCicco, Westboro's A. F. Burt, and Franklin's A. R. Perkins are reportedly no conflicts; Uxbridge's Edwin F. McConney had no comment; a Secretary for Probate Judge George E. Rice said "we the only judge we know that is not a director of anything. He doesn't even belong to any clubs."