

Troubling tribunal

Magistrate's handling of Hingham court faulted

By Kevin Cullen
GLOBE STAFF

Last July, when her 19-year-old son set off to challenge a traffic citation, Libby Griffin wrote out a blank check to Hingham District Court, just in case her son lost his appeal.

When Griffin, a Scituate businesswoman, learned her check had been cashed not by the court but by the Cardinal Cushing School and Training Center in Hanover, she knew something was wrong.

Her son, Tim, had an explanation: the clerk-magistrate at the court, Joseph A. Ligotti, made him an offer he couldn't refuse.

Tim says Ligotti told him that instead of paying a fine to the state and surcharges to his insurance company, he could make out his \$150 check to St. Coletta's School, by which the Hanover school for special needs students is more commonly known.

Ligotti's conduct in this and other cases is part of life in the Massachusetts court system that in recent months has been targeted for reform by bar associations, judges and good-government groups.

Tim said he explained to Ligotti that the check was already made out to the court. No problem, he says Ligotti responded, just write in "or St. Coletta's

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Clerk-Magistrate Joseph Ligotti leaves the Hingham court on his lunch break.

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Magistrate faulted for handling of court

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School" next to "pay to the order of Hingham District Court" and everything would be fine.

As Tim wondered whether he was doing the right thing, he says Ligotti threw in the clincher, telling him, "It's tax-deductible."

Tim regrets how his first brush with the justice system was resolved. "At first, it sounded like a good deal, and I felt like a good citizen," Tim says. "But now, looking back, I feel like it was not on the level."

It wasn't. According to a series of memoranda sent to the state's 69 district court clerk-magistrates over the last two years by Judge Samuel E. Zoll, chief justice of the district court department, Ligotti's conduct is illegal.

In memos distributed in 1989 and last month, Zoll warned clerks that it was in violation of state law to settle civil motor vehicle infractions, known as CMVIs, by any other manner than finding the driver responsible or not responsible.

"The dismissal of CMVIs on the making of charitable contributions is not permitted," Zoll wrote. "Not only does such a practice result in the non-collection of the assessments required by law and frustrate the operation of the Safe Driver Insurance Plan (Merit Rating Board 'surcharges'), but some violators view it as a kind of 'extortion' notwithstanding the benevolent intention of

the clerk-magistrate."

Ligotti declined to be interviewed for this article. Through his secretary, Karen Wayne, he denied ever settling motor vehicle violations by having drivers make charitable donations.

The Griffins, however, produced their canceled check as proof, and the director of the Cushing school, Dr. Henry Perrin, confirmed that the school received contributions for more than a year from people referred there from Hingham District Court.

"We sent Mr. Ligotti a thank you," said Perrin.

Perrin said he believes that the donations amounted to hundreds of dollars, and they stopped several months ago. He said he knows of no affiliation between Ligotti and the school.

When Libby Griffin heard what her son had been persuaded to do, she hit the roof.

"That's a worthy charity," she says, "but that's not the way you go about raising money for a charity. Besides, the state is broke and needs the money. Mostly I'm disturbed at the message that was given my son." Griffin says she knows of other people who settled motor vehicle violations at the Hingham court by making contributions to the school. None of those people would agree to an interview.

What Ligotti did to Tim is not an isolated case, but part of a pattern of

highly questionable conduct from a clerk who just 19 months ago was the clerk-magistrate at Hingham District Court has earned the dubious — if unofficial — distinction of being the most complained about clerk in the state.

A recent Massachusetts Bar Association report on the state courts criticized the justice system for not being user-friendly. According to some who use the system, Joseph Ligotti is a walking example of user-unfriendliness.

Interviews with those who have come before Ligotti suggest a mercurial man who sometimes berates members of the public with loud, sometimes offensive outbursts.

Ligotti's flamboyant style is well-known in the legal community. Some consider him a colorful character. Others think his demeanor is sometimes unprofessional. Yet the 48-year-old Ligotti has survived and thrived during his 29 years in the system, rising to a \$67,000-a-year job that is one of the most powerful and best paid in the courts.

Ligotti is, by many accounts, a competent clerk. While questions about his demeanor and style surface, no one has ever accused him of not working hard, and some lawyers sing his praises, saying he "gets things done" and knows the system.

The nephew of a respected, now retired district court judge, Ligotti has been in "the system" since he was 19 years old, when he was appointed to the Suffolk County registry of probate fresh out of high school. After 11 years there, he was appointed as an assistant clerk to the Supreme Judicial Court.

By the age of 32, Ligotti had lifetime tenure after one of his mentors, former Senate president and long-time SJC clerk John Powers, pushed through a bill granting lifetime jobs to his assistants.

After the Globe ran a story about misconduct by clerk-magistrates in April, more than a dozen people called to complain that Ligotti had not been included in the story.

A constant theme sounded by people was not that Ligotti ruled against them in court, but that he treated them disrespectfully.

The treatment Ligotti afforded the Boormeester family of Marshfield was typical of the stories the callers told. Sharon Boormeester was outraged over treatment received when she accompanied her son, Eric, to court to challenge traffic citations that followed an accident last October in Scituate.

The Boormeesters had spent considerable time and expense preparing themselves, showing discrepancies in the charges and the police investigation and police report.

At the time of the accident, for example, Eric was cited for failing to stay within marked lanes, even though the painted lines had faded so much they were barely visible on the roadway. Sharon had photographs to prove that the town had repainted the lines and paved potholes that may have contributed to the accident within a week after the accident.

Sharon took a day off from work, and her son and a friend who was a witness missed a day of school to attend the hearing. But when they got to court, she said Ligotti would hear none of it. When Sharon tried to address Ligotti, she says Ligotti curtly told her, "Just get in the back of the room and keep quiet."

Sharon said she was not upset at the outcome, in which her son paid a fine, but at how Ligotti conducted the hearing.

"It's the principle of the way Ligotti treated my son, not whether he was guilty or innocent," she said. "This is the first time my son was in court and he was treated like garbage. These kids are growing up with this image of justice. It's not right."

When Sharon got home, she told her husband what had happened. Don Boormeester called Ligotti, say-

ing he wanted to bring the case before a judge. He said Ligotti responded by saying that because the fine was already paid, the matter was closed.

"When I asked who was above him, he said, 'No one is above me. Have a nice day,'" Don Boormeester said.

Through his secretary, Ligotti released a series of letters that he contends vindicate him in the Boormeester case. In one letter, Ligotti responded to Zoll, who received the Boormeesters' complaint, denying that he ever told Sharon Boormeester to "keep quiet" or suggested that they could not appeal the case to a judge.

He also produced a letter from Sgt. John C. Rooney Jr., the prosecutor for the Scituate Police Department, who corroborated his account. A third letter was Zoll's response to the Boormeesters, in which Zoll concluded, "I have no basis on which to resolve the factual discrepancies between your account" and Ligotti's.

In his letter to Zoll, Ligotti complained that Don Boormeester was "abrasive" with him over the telephone.

Unlike lawyers, prosecutors and judges, whose official actions are almost always recorded by a court stenographer or tape recorder, nearly all of a clerk's activities take place outside the earshot of the public record. In most cases, a complaint comes down to a clerk's word against a citizen's.

Take, for example, the case of a 20-year-old Marshfield man who said Ligotti used profanities and repeatedly called him a "punk" in front of his mother when he went to settle fines resulting from his arrest for drunken driving.

"He said punks like me kill young children," said the man, who spoke on the condition that he not be identified. "He said that on his way to work once he saw an accident, a which three young kids had their heads chopped off. It happens because of punks like you," he said. My mother said, 'You have no right to talk to my son like that.' And Ligotti said, 'Your son is a punk.' My mother started crying."

But more troubling, say those interested in court reform, is that some of those charitable donations may have been solicited from people who had legitimate grievances and should have been found not responsible for the motor vehicle infractions.

Ernest Winsor, a staff lawyer for the Massachusetts Law Reform Institute, calls Ligotti's conduct "corrupt," even if some would consider it nobly intended.

"If you have a person in an official position in effect coercing people or bribing them into giving to his favorite charity, it's corrupt," said Winsor. "When you have [clerk-magistrates] making decisions not on the merits but with other motivations, it's plainly not the way the system is meant to work. It plainly is wrong, it's probably specifically illegal, and it certainly is troubling."

Ligotti's questionable actions apparently are not confined to the courtroom. Earlier this year, Ligotti was stopped by two state troopers after he allegedly ran a stop sign at Logan Airport. When the troopers explained that they would have to give him a warning, State Police say Ligotti became enraged, saying it was senseless given that they knew who he was. State Police say Ligotti told the troopers to give him a citation instead because "it's easier to fix."

The troopers obliged Ligotti, giving him a \$50 ticket which, after the troopers made it clear they intended to follow it through the system, was paid.

Through his secretary, Ligotti produced the canceled check to show he had paid it. He would not answer questions about the circumstances surrounding the issuance of the ticket.

Asteroid risk for Earth studied

ASSOCIATED PRESS

SAN JUAN CAPISTRANO, Calif. — Scientists gathered yesterday to plan how to find and divert killer asteroids before they could hit Earth with the force of thousands of atom bombs.

While the chances of a major asteroid striking the earth are extremely small, so many people would be killed that any individual's chances of dying this way are mathematically greater than perishing in an airline crash, researchers say.

"One of these objects could be a real threat to our long-term exist-

ence on earth," said Eleanor Helin, a planetary scientist at NASA's Jet Propulsion Laboratory in Pasadena. "It only takes one event to wipe us out."

Helin and Morrison were among more than 160 planetary scientists, astronomers and engineers who registered for the International Conference on Near-Earth Asteroids, which ends Wednesday.

The meeting is sponsored by the National Aeronautics and Space Administration and the Planetary Society, a nonprofit group with 120,000 members worldwide.