

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

-----X

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

STIPULATION

JAMES E. BROOKS,

a Justice of the Moriah Town Court,
Essex County.

-----X

THE FOLLOWING IS HEREBY STIPULATED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct (hereinafter "Commission"), the Honorable James E. Brooks, the respondent in this proceeding, and his attorney Joseph R. Brennan.

1. This Stipulation is presented to the Commission in connection with a formal proceeding pending against respondent.
2. Respondent has been a Justice of the Moriah Town Court, Essex County, since January 1992. He is not an attorney.
3. In November 2004, respondent was served by the Commission with a Formal Written Complaint, alleging *inter alia* that respondent wrote a letter on court stationery on behalf of a defendant facing charges in another town court and that respondent granted reductions, dismissals or adjournments in contemplation of dismissal in criminal cases without obtaining the prior consent of the district attorney.

4. On February 2, 2005, the Commission served respondent with a Superseding Formal Written Complaint, which alleged that respondent reduced a charge at arraignment without obtaining the district attorney's consent.

5. On May 9, 2005, the Commission served respondent with a Supplemental Formal Written Complaint, which *inter alia* alleged that respondent engaged in an *ex parte* communication with another judge with regard to an order of protection issued previously in a matter transferred to respondent's court.

6. Respondent filed Verified Answers denying most of the allegations of the Formal Written Complaint, Superseding Formal Written Complaint and Supplemental Formal Written Complaint.

7. The Commission designated Paul A. Feigenbaum, Esq., as referee to hear and report to the Commission with respect to all of the charges against respondent. The Referee scheduled the hearing to commence in October, 2005.

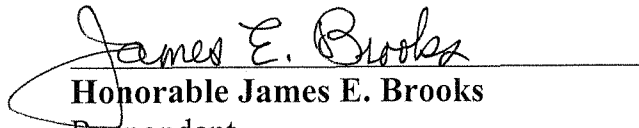
8. Respondent has tendered his resignation, dated October 3, 2005, effective December 31, 2005, and affirms that he will neither seek nor accept judicial office at any time in the future. A copy of respondent's letter of resignation is attached.

9. Pursuant to law, the Commission has 120 days from the date of a judge's resignation to complete the proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals. Pursuant to law, removal from office disqualifies a judge from holding judicial office in the future.

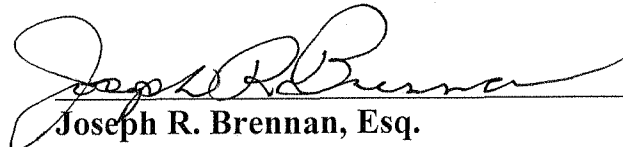
10. In view of respondent's resignation and affirmation that he will neither seek nor accept judicial office in the future, all parties to this Stipulation respectfully request that the Commission close the pending matter based upon this Stipulation.

11. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law to the limited extent that this Stipulation will be made public if accepted by the Commission.

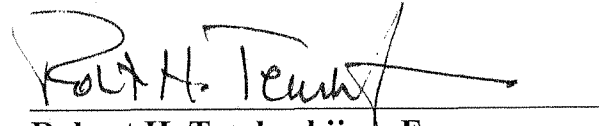
Dated: October 14, 2005


Honorable James E. Brooks
Respondent

Dated: OCTOBER 14, 2005


Joseph R. Brennan, Esq.
Brennan & White, LLP
Attorney for Respondent

Dated: October 19, 2005


Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(Kathryn J. Blake, Of Counsel)

Hon. James E. Brooks
Town of Moriah – Town Justice
42 Park Place
Port Henry, New York 12974

Honorable Jan H. Plumadore
Deputy Chief Administrative Judge,
Courts Outside of New York City
Empire State Plaza, 4 ESP, Suite 2001
Albany, New York 12223

Dear Judge Plumadore,

October 3, 2005

This is perhaps the most difficult letter I have ever had to write.

After fourteen years of performing the best job one could wish to have, that of a Town Judge, in the best community one could ever live, the Town of Moriah, I find myself in a position where the duties are simply just too demanding to discharge at level that the good people in Moriah deserve or that I am confident in providing.

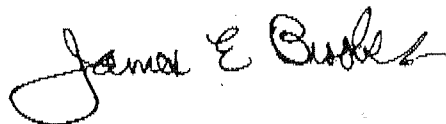
On December 31st of this year, I will retire. I have, this date, sent a letter to Ms. Elaine Adkins, Town Clerk of the Town of Moriah, stating such and I have attached a copy of that letter. I will also submit my retirement application to the New York State and Local Retirement System within the next few weeks.

I am including several letters that explain my situation. It appears that some of this is associated with exposure to Agent Orange that occurred during a 1,000 day adventure (along with a friend) in Vietnam. I would only say that to you, because over 20 years ago, I testified before you and you asked me some very pointed questions about Article 15's and the difference in the punishment that field grade commanders could impose over that of company grade commanders. It was plain to see, "you had been there, done that."

During my tenure, on the bench, I have never missed a court night and performed the duties of both judges for over a period of two years and although, there were times that were extremely demanding and difficult, I thoroughly enjoyed every minute of every day.

My departure would not be complete without expressing my gratitude to you for your assistance and guidance over the years.

Sincerely,



**Hon. James E. Brooks
Town of Moriah - Town Justice
42 Park Place
Port Henry, New York 12974**

**Ms. Elaine C. Adkins
Town of Moriah - Town Clerk
38 Park Place
Port Henry, New York 12974**


October 3, 2005

Dear Lanie,

Under the provisions of Public Officers Law, Section 31(2), I hereby official notify you that I will retire on December 31st of 2005.

I wish also to express my thanks to you and your staff at the Town Hall for the friendship and assistance which I have enjoyed over the past 14 years. If there is ever anything I can ever do to assist you, I would always be more than willing.

Sincerely,


James E. Brooks