

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

STIPULATION

MICHAEL M. FEEDER,

a Justice of the Hudson Falls Village Court,
Washington County.

THE FOLLOWING IS HEREBY STIPULATED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct (hereinafter "Commission"), Michael M. Feeder, the respondent in this proceeding, and his attorney, Terrence L. Kindlon, Esq.

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 Hudson Falls Village Court since January 1, 2003. His current term ends March 31, 2008. From January 1, 1998, to December 31, 2005, he was also a Justice of the Kingsbury Town Court. Respondent is not an attorney.
3. Respondent is presently on the ballot for re-election as Justice of the Hudson Falls Village Court. Respondent is the only candidate on the ballot for that office. Respondent hereby declares his intention to remain on the bench if re-elected.

4. On April 21, 2006, respondent was served by the Commission with a Formal Written Complaint (“Complaint”) containing Charges I through IV. (A copy of the Complaint is annexed as Exhibit A.)

5. On October 11, 2007, respondent was served by the Commission with a Second Formal Written Complaint containing a Supplemental Charge V. (A copy of the Second Formal Written Complaint is annexed as Exhibit B).

6. Respondent did not submit an Answer to either of the Complaints, and by Decision and Order dated January 29, 2008, the Commission granted a motion for summary determination, pursuant to 22 NYCRR 7000.6(c), finding that the factual allegations of Charges I through IV of the Formal Written Complaint and Supplemental Charge V of the Second Formal Written Complaint were sustained and that respondent’s misconduct was established.

7. Upon the execution of this Stipulation:

A. The parties agree to recommend to the Commission that it vacate and render null and void its decision and order granting summary determination dated January 29, 2008. Respondent would be permitted to file Answers to the two Formal Written Complaints within 20 days and thereafter the matter may proceed to a hearing before a Referee.

B. The parties agree to recommend to the Commission that it declare moot the letter dated February 22, 2008, from the Clerk of the Commission, scheduling additional submissions from the parties regarding summary determination and appropriate sanction.

8. Respondent hereby affirms that, should the Commission accept this Stipulation, and should he vacate judicial office for any reason before the Commission renders a determination on the merits pursuant to Article 2-A of the Judiciary Law:

A. This Stipulation, including the annexed Formal Written Complaints, will be made public.

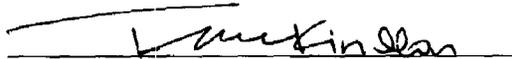
B. Respondent will neither seek nor accept judicial office at any time in the future.

Dated: 2/29/08



Honorable Michael M. Feeder
Respondent

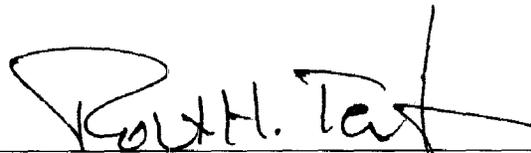
Dated: 3/3/08



TERENCE

Terence L. Kindlon, Esq.
Attorney for Respondent

Dated: 3/5/08



Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(Cheryl L. Randall, Esq., 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

MICHAEL M. FEEDER,

a Justice of the Hudson Falls Village Court,
Washington County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, Michael M. Feeder, a Justice of the Hudson Falls Village Court, Washington 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 Albany office, The Hampton Plaza, 38-40 State Street, Albany, New York 12207 with his verified Answer to the specific paragraphs of the Complaint.

Dated: April 19, 2006
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

To: Michael J. Catalfimo, Esq.
18 Hill Street
P.O. Box 184
Greenwich, New York 12834

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

MICHAEL M. FEEDER,

a Justice of the Hudson Falls Village Court,
Washington County.

**FORMAL
WRITTEN COMPLAINT**

1. Article 6, 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 Michael M. Feeder (“respondent”), a Justice of the Hudson Falls Village Court, Washington County.

3. The factual allegations set forth in Charges I through IV 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 has been a Justice of the Hudson Falls Village Court since October 1999. From January 1, 1998, to December 31, 2005, he was also a Justice of the Kingsbury Town Court. Respondent is not an attorney.

CHARGE I

5. In or about December 2004 and January 2005, respondent improperly invoked the power and prestige of his judicial office to effect the arrest of a motorist, Fred Kennison. Thereafter, respondent took judicial action in the *Kennison* case after the resulting charge was filed in respondent's court, and respondent commented publicly concerning the case, at a time when it was pending.

Specifications to Charge I

6. On or about December 31, 2004, while driving his own vehicle in the Village of Hudson Falls, respondent observed what he believed to be a vehicle that failed to stop for a pedestrian in the crosswalk. Respondent then closely followed that vehicle, which was driven by Fred Kennison, for approximately one mile, periodically flashing the lights on his vehicle in an attempt to cause Mr. Kennison to pull over. While pursuing Mr. Kennison, respondent also telephoned the Hudson Falls Village Police Department from his cell phone and alerted the police to Mr. Kennison's alleged violation.

7. Respondent followed Mr. Kennison's vehicle beyond the Village of Hudson Falls and into the City of Glens Falls, where Mr. Kennison pulled over in a parking area. Respondent then got out of his vehicle and displayed to Mr. Kennison a badge that identified him as a Kingsbury Town Justice. Respondent informed Mr. Kennison that he had observed him fail to stop for a pedestrian in a cross-walk.

8. When Mr. Kennison denied that he had failed to stop for the pedestrian and began to leave, respondent again used his cell phone to call the Hudson Falls Police

Department, and in Mr. Kennison's hearing, reported to Sergeant Mark LaFay that Mr. Kennison was leaving.

9. Mr. Kennison then informed respondent that he was returning to Hudson Falls. Respondent followed him back to the Hudson Falls Police Department, where respondent filed a complaint against Mr. Kennison and Sgt. LaFay charged him with Failing to Yield Right of Way to Pedestrian in a Crosswalk and Operating a Motor Vehicle While Using a Cell Phone. Both charges were filed in the Hudson Falls Village Court, where respondent is the judge.

10. On or about January 6, 2005, respondent spoke about Mr. Kennison's pending case with a Glens Falls *Post Star* newspaper reporter and a local television news reporter. Respondent was quoted in the press as stating, *inter alia*, "I think anyone who saw [Mr. Kennison] would have reported him," and "It bothers me that he gets to say whatever he wants and I can't respond." Respondent's role in apprehending Mr. Kennison, including his having shown his badge to Mr. Kennison, was reported in the press.

11. On or about January 6, 2005, respondent took judicial action in *People v. Fred Kennison* by issuing a notice to Sgt. LaFay to provide a supporting deposition and adjourning the appearance date at the request of Mr. Kennison's attorney. Later, respondent disqualified himself from the case, which was transferred to another court.

12. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, 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 act at all times 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 lent the prestige of judicial office, in violation of Section 100.2(C) of the Rules; failed to perform the duties of judicial office impartially and diligently, in that he commented publicly on a pending proceeding, in violation of Section 100.3(B)(8) of the Rules and failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned, in violation of Section 100.3(E)(1)(a)(ii) of the Rules; and failed to conduct his extra-judicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially as a judge, detract from the dignity of judicial office or interfere with the proper performance of judicial duties and are not incompatible with judicial office, in violation of Section 100.4(A)(1), (2) and (3) of the Rules.

CHARGE II

13. Respondent made public statements supporting stronger penalties for the Village of Hudson Falls' curfew ordinance, at a time when he was Hudson Falls Village Justice, before whom curfew violations were brought.

Specifications to Charge II

14. On or about May 9, 2005, respondent, who was then Hudson Falls Village Justice, attended a meeting of the Hudson Falls Village Board and recommended to the board that it adopt a jail sentence as one of the penalties to the village curfew ordinance. Respondent told the board that he was “looking for some teeth so that when someone fails to pay the fine, jail is an alternative.” Later, the village board adopted the recommendation and added jail time as a potential sentence.

15. On or about May 23, 2005, respondent gave an interview to a reporter from the Glens Falls *Post Star*, and was quoted in a subsequent news article as having said of the potential for a jail sentence, “It’ll give them an incentive to do it because they’ll know there could be fines or jail time. This will put some teeth behind the law.” Respondent was also quoted as saying that 25 to 30 percent of parents who receive tickets for curfew violations do not pay the fine.

16. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, 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 act at all times 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 failed to perform the duties of judicial office impartially and diligently, in that he

commented publicly on pending or impending proceedings, in violation of Section 100.3(B)(8) of the Rules.

CHARGE III

17. In or about December 2004, respondent spoke *ex parte* with Linda Looney, the mother of Tanya Looney, who had been charged in respondent's court with Driving While Intoxicated for the second time in less than five years. Respondent, who had not yet arraigned the defendant, promised Linda Looney that he would not sentence her daughter to jail. Thereafter, respondent disposed of the charge against Tanya Looney by imposing a fine and no jail sentence.

18. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, 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 act at all times 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 permitted the defendant or her mother to convey the impression that they were in a special position to influence the judge, in violation of Section 100.2(C) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he

permitted and considered an improper *ex parte* communication, in violation of Section 100.3(B)(6) of the Rules.

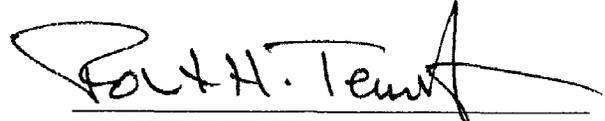
CHARGE IV

19. On or about February 16, 2005, while presiding over *People v. Raymond Camp*, a village code violation matter, respondent granted the defendant an adjournment in contemplation of dismissal, without notice to or the consent of the prosecution, as required by Section 170.55(1) of the Criminal Procedure Law.

20. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, 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 act at all times 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 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 and failed to accord all legally interested parties the right to be heard according to law, in violation of Section 100.3(B)(6) 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: April 19, 2006
New York, New York

A handwritten signature in black ink, appearing to read "Robert H. Tembeckjian", written over a horizontal line.

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

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

MICHAEL M. FEEDER,

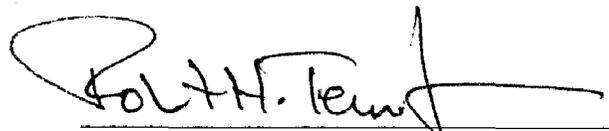
VERIFICATION

a Justice of the Hudson Falls Village Court,
Washington County.

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

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
19th day of April 2006



Notary Public
VICKIE MA
NOTARY PUBLIC, State of New York
Registration No. 02MA5076604
Qualified in New York County
Commission Expires April 21, 2007

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

MICHAEL M. FEEDER,

a Justice of the Hudson Falls Village Court,
Washington County.

**NOTICE OF
SECOND FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, Michael M. Feeder, a Justice of the Hudson Falls Village Court, Washington 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 Supplemental Formal Written Complaint; and that, in accordance with said statute, respondent is requested within twenty (20) days of the service of the annexed Supplemental Formal Written Complaint upon him to serve the Commission at its Albany office, The Hampton Plaza, 38-40 State Street, Albany, New York 12207 with his verified Answer to the specific paragraphs of the Complaint.

Dated: October 9, 2007
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

To: Terence L. Kindlon, Esq.
Attorney for Respondent
Kindlon Shanks & Associates
74 Chapel Street
Albany, New York 12207

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
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MICHAEL M. FEEDER,

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**SECOND FORMAL
WRITTEN COMPLAINT**

1. Article 6, 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 Second Formal Written Complaint be drawn and served upon Michael M. Feeder (“respondent”), a Justice of the Hudson Falls Village Court, Washington County.

3. The factual allegations set forth in Supplemental Charge V 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 has been a Justice of the Hudson Falls Village Court since April 1, 2004. From January 1, 1998, to December 31, 2005, he was also a Justice of the Kingsbury Town Court. Respondent is not an attorney.

5. Respondent was served with a first Formal Written Complaint dated April 19, 2006, containing four charges (I through IV), which has not yet been adjudicated and which is still pending. Charges I through IV are not repeated here

CHARGE V

6. Since April 2004, when he became Hudson Falls Village Justice, respondent has presided over numerous cases filed by members of the Hudson Falls Village Police Department, without disclosing his close personal friendship with Hudson Falls Assistant Chief of Police Randy Diamond, who supervises the other officers in the department who have filed and/or appeared as witnesses before respondent in such cases.

Specifications to Charge V

7. Randy Diamond has been a police officer with the Hudson Falls Police Department for over 22 years. He has held the rank of Assistant Chief of Police since in or about 2004.

8. Assistant Chief Diamond has supervisory authority over all the patrol officers and detectives and drug task force operations in the Hudson Falls Police Department, and enacts policies and procedures. He supervises a total of approximately 15 police officers and detectives in the department.

9. Respondent and Assistant Chief Diamond have been friends for at least ten years. They and their wives socialize several times per year, sometimes at each other's homes. Respondent's wife and Assistant Chief Diamond's wife speak to each other on almost a daily basis.

10. In 2001, when respondent was temporarily estranged from his wife, respondent resided in Assistant Chief Diamond's home for a period of approximately one month. Respondent was an acting Justice of the Hudson Falls Village Court at that time.

11. Assistant Chief Diamond's wife, Wendy Diamond, was a volunteer campaign worker for respondent's 2005 campaign for Kingsbury Town Justice.

12. In or about July 2006, respondent and Assistant Chief Diamond and about six other people vacationed together for several days in Florida.

13. Respondent invited Wendy Diamond, Assistant Chief Diamond and all the other members of the Hudson Falls Village Police Department to a graduation party for respondent's stepson, held at respondent's home on July 8, 2006. Assistant Chief Diamond, his wife, and many other Village police officers attended the party.

14. Since 2004, members of the Hudson Falls Police Department have filed numerous criminal and traffic charges in respondent's court, over which respondent has presided without disqualifying himself or disclosing to the defense his relationship with Assistant Chief Randy Diamond or other Village police officers.

15. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, 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 act at all times 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 conveyed the impression that the police were in a special position to influence the judge, in violation of Section 100.2(C) of the Rules; failed to perform the duties of judicial office impartially and diligently, in that he failed to disqualify himself in proceedings in which his impartiality might reasonably be questioned, in violation of Section 100.3(E)(1) of the Rules; and failed to conduct his extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that he failed to conduct his extra-judicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially as a judge, in violation of Section 100.4(A)(1) 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: October 9, 2007
New York, New York



ROBERT H. TEMBECKIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
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MICHAEL M. FEEDER,

VERIFICATION

a Justice of the Hudson Falls Village Court,
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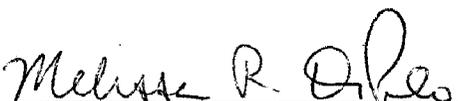
STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

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 Second 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
9th day of October 2007


Notary Public

Melissa R. DiPalo
Notary Public, State of New York
No. 02DI6065643
Qualified in Kings County
Commission Expires 10/09