

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Investigation of Complaints
Pursuant to Section 44, subdivision 1 and 2,
of the Judiciary Law in Relation to

YVONNE LEWIS,

STIPULATION

A Justice of the Supreme Court, 2nd Judicial District
(Kings County).

THE FOLLOWING IS HEREBY STIPULATED by and between Robert H.
Tembeckjian, Administrator and Counsel to the Commission, and the Honorable Yvonne
Lewis and her attorney, Deborah Scalise, of Scalise Hamilton & Sheridan LLP.

1. Yvonne Lewis has been a judge since 1987, when she was elected as a Judge of the Civil Court of the City of New York in Kings County.
2. Judge Lewis also served as a Judge of the Criminal Court of the City of New York in Kings County and Queens County from 1987 to 1988 and in 1991.
3. In 1991, Judge Lewis was elected as a Justice of the Supreme Court in Kings County. She was re-elected in 2005.
4. In November 2014, having reached the retirement age of 70, Judge Lewis was certificated to serve two years, through December 2016. She would be eligible for two additional two-year certifications, which would permit her to serve through 2020, the year she turns 76, beyond which certifications are not permitted under the Constitution.
5. On May 2, 2013, the Commission, on its own motion, authorized an investigation based upon newspaper articles alleging that Judge Lewis improperly

approved payments to her confidential law clerk, Kimberly Detherage, for services rendered by her as a guardian in matters pending before other judges of the court. A copy of the Administrator's Complaint dated May 2, 2013, is appended as Exhibit 1.

6. In September 2014, the Commission apprised Judge Lewis that it was investigating the complaint.

7. On December 11, 2014, the Commission, on its own motion, authorized a second investigation based on a report of the Inspector General for the Unified Court System, alleging *inter alia* that Judge Lewis failed to adequately oversee and review Ms. Detherage's work as a guardian, and improperly continued to preside over three of Ms. Detherage's matters and approved a guardianship payment to her after hiring her as her full-time law clerk. A copy of the Administrator's Complaint dated December 19, 2014, is appended as Exhibit 2.

8. The Commission interviewed witnesses, reviewed documents and heard from Judge Lewis with respect to both Administrator's Complaints. Judge Lewis denied certain aspects of the complaints and offered explanations as to certain aspects of the complaints. The Commission has neither evaluated nor rendered substantive determinations as to the foregoing.

9. Judge Lewis avers that on October 5, 2015, she will submit the appropriate papers to the Office of Court Administration and the New York State and Local Retirement System, stating that she will retire from her judicial position on December 31, 2015.

10. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from the date of a judge's resignation to complete proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

11. Judge Lewis affirms that, upon retiring her judicial office, she has no plans to, nor will she seek or accept judicial office at any time in the future.

12. 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, pending verification that Judge Lewis filed the appropriate papers on October 5, 2015.

13. Judge Lewis understands that, should she abrogate the terms of this Stipulation by, for example, failing to submit the appropriate papers on October 5, 2015, or holding any judicial position at any time after December 31, 2015, the Commission's investigation of the complaints against her would be revived, she would be served with a Formal Written Complaint on authorization of the Commission, and the matter would proceed to a hearing before a referee, in which case the statements made herein shall not be used by the Commission, the Respondent or the Administrator and Counsel to the Commission.

14. Judge Lewis waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (1) this Stipulation will become public on October 5, 2015, and (2) the Commission's Decision and Order regarding this Stipulation will become public on or after October 5, 2015.

Dated: September 25, 2015

Yvonne Lewis
Honorable Yvonne Lewis

Dated: 9/28/15

Deborah H. Scalise
Deborah Scalise
Scalise Hamilton & Sheridan LLP
Attorney for Judge Lewis.

Dated: 9/30/2015

Robert H. Tembeckjian
Robert H. Tembeckjian
Administrator and Counsel to the Commission
(**Brenda Correa**, Of Counsel)

EXHIBIT 1

ADMINISTRATOR'S COMPLAINT

In the Matter of: Yvonne Lewis
Supreme Court Justice
Kings County

Complaint # 2013/N-0176

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 newspaper articles, it is alleged that Judge Lewis improperly approved payments to her confidential law clerk, Kimberly Detherage, for services rendered by her as a guardian in matters pending before other judges of the court.

New York, New York

Date Signed: May 2, 2013


Robert H. Tembeckjian, Administrator

Authorized on April 25, 2013

NEW YORK POST

Judge in pay probe

By JOSH SAUL

Last Updated: 3:30 AM, March 11, 2013

Posted: 1:48 AM, March 11, 2013

Brooklyn Civil Judge Yvonne Lewis is under investigation for allegedly improperly signing payment forms for her law secretary for work the aide did on guardianship cases for other jurists — even as lawyers who did work for Lewis complain she's too lazy to process *their* payment forms.

"This is a matter that is under investigation by the court systems' inspector general's office," said court spokesman David Bookstaver.

Lewis did not reply to a request for comment, while her law secretary, Kimberly Detherage, said she had no knowledge of the investigation.

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New York Law Journal

Probe Will Examine Payment Forms Signed by Judge

By Joel Stashenko

New York Law Journal

March 12, 2013

The inspector general for the Unified Court System is investigating Brooklyn Supreme Court Justice Yvonne Lewis (See Profile) for alleged improprieties in payment forms she signed for a law secretary who was assigned to guardianship work for other judges. David Bookstaver, a court system spokesman, yesterday confirmed that "the matter is under investigation" by the Judiciary's inspector general, Sherrill Spatz. Bookstaver declined to discuss details of the probe, which was first reported by the New York Post. The job statuses of Lewis and her employees have not been affected by the inquiry, Bookstaver said.

Lewis declined to comment yesterday through an aide. She served on both the Criminal and Civil Court benches before being elected as a Supreme Court justice in 1992.



New York Law Journal

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03-12-2013

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Lewis declined to comment yesterday through an aide. She served on both the Criminal and Civil Court benches before being elected as a Supreme Court justice in 1992.

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EXHIBIT 2

ADMINISTRATOR'S COMPLAINT

In the Matter of: Yvonne Lewis
Supreme Court Justice
Kings County

Complaint #2014/0948

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.

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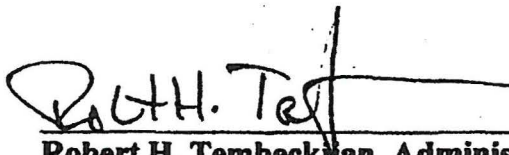
Complaint

Based upon a report issued by the Office of the Inspector General for the Unified Court System, Judge Lewis failed to adequately oversee and review the work performed by Kimberly Detherage as the appointed guardian in several matters.

Thereafter, in 2009, after Judge Lewis hired Ms. Detherage to work as her law clerk, the judge continued to preside over several of Ms. Detherage's guardianship matters and approved payments to Ms. Detherage for legal services in connection with those matters.

Ms. Detherage was employed as a full-time employee of the Unified Court System in her capacity as law clerk to Judge Lewis while simultaneously being employed as a full-time pastor.

New York, New York



Robert H. Tembeckian, Administrator

Date Signed: December 19, 2014 Authorized on December 11, 2014