

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Investigation of
Complaints Pursuant to Section 44,
Subdivisions 1 and 2, of the Judiciary
Law in Relation to Joseph G. Makowski, a
Justice of the Supreme Court,
Erie County.

STIPULATION

THE FOLLOWING IS HEREBY STIPULATED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct (hereinafter "Commission"), the Honorable Joseph G. Makowski ("respondent") and his attorney, Richard T. Sullivan, Esq.

1. Respondent was admitted to the practice of law in New York in 1979. He is 55 years of age. He was elected as a Justice of the Supreme Court, Erie County, for a 14-year term that commenced on January 1, 1999.

2. The Commission is investigating a complaint concerning respondent's publicly reported off-the-bench action in assisting an acquaintance, which, *inter alia*, involved allegations that he failed to uphold the integrity and independence of the judiciary, in violation of section 100.1 of the Rules; failed to respect and comply with the law and failed to act in a manner that upholds public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; allowed a social relationship to influence his judicial conduct, in violation of Section 100.2(B) of the Rules; lent the prestige of judicial office to advance the private interest of another and voluntarily provided evidence, in violation of Section 100.2(C) of the Rules, and acted in a manner that detracted from the dignity of his judicial office in violation of Section 100.4(A)(2) of the Rules.

3. Respondent submitted his resignation as a Supreme Court Justice by letter dated February 20, 2009, to Justice Sharon S. Townsend, Administrative Judge of the Eighth Judicial District. Respondent's resignation became effective on March 6, 2009. A copy of the resignation letter is appended as Exhibit 1.

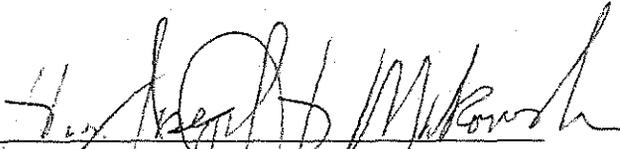
4. Pursuant to Section 47 of the Judiciary Law, the Commission's jurisdiction over a judge continues for 120 days after resignation from office, and the Commission is authorized to render a determination that the judge be removed from office. Removal bars a judge from holding judicial office in the future.

5. Respondent affirms that he will neither seek nor accept judicial office or a position as a Judicial Hearing Officer at any time in the future.

6. In view of the foregoing, all parties to this Stipulation respectfully request that the Commission close the pending matter based upon this Stipulation.

7. 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: May 14, 2009



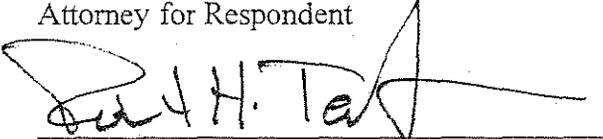
Honorable Joseph G. Makowski
Respondent

Dated: May 14, 2009



Richard T. Sullivan, Esq.
Attorney for Respondent

Dated: May 21, 2009



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



SUPREME COURT CHAMBERS
STATE OF NEW YORK
BUFFALO, N.Y. 14202

FEB 20 2009

716-843-8466
FAX: 801-3384

CHAMBERS OF
JOSEPH G. MAKOWSKI
JUSTICE

February 20, 2009

Hon. Sharon S. Townsend
Administrative Judge, Eighth Judicial District
92 Franklin Street
Buffalo, NY 14202

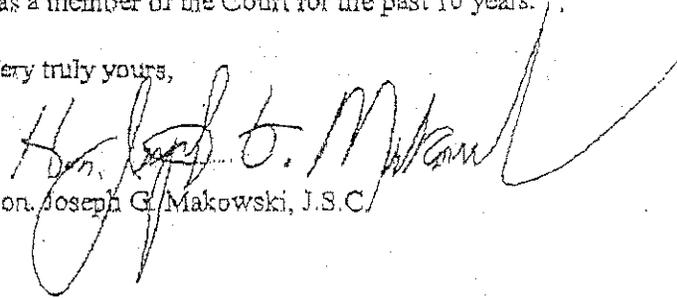
Re: Resignation

Dear Justice Townsend:

This letter will serve to advise you that I have decided to resign my position as a Justice of the New York State Supreme Court effective March 5, 2009.

It has been a distinct privilege to serve as a member of the Court for the past 10 years.

Very truly yours,


Hon. Joseph G. Makowski, J.S.C.

cc: Hon. Ann Pfau, Chief Administrative Judge

EXHIBIT |