

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

THOMAS J. NEWMAN, JR.,

a Justice of the Sloatsburg Village Court,
Rockland County.

**AGREED
STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct

(“Commission”):

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Honorable Thomas J. Newman (“Respondent”), who is represented in this proceeding by Patrick T. Burke, of Burke, Miele & Golden, LLP, that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent was admitted to the practice of law in New York in 1980. He has been a Justice of the Sloatsburg Village Court, Rockland County, since 1981.

Respondent’s current term expires on December 5, 2016.

2. Respondent was served with a Formal Written Complaint dated September 13, 2013, a copy of which is appended as Exhibit 1. He enters into this Agreed Statement of Facts in lieu of filing an Answer.

As to Charge I

3. On August 16, 2011, between 5:45 PM and 6:45 PM in the Town of Ramapo, New York, Respondent operated his automobile while under the influence of

alcohol, caused a motor vehicle accident, was arrested, and was disruptive toward and uncooperative with the police.

4. On August 16, 2011, between 5:45 and 6:45 PM, after voluntarily consuming a number of alcoholic beverages, Respondent drove his automobile in the Town of Ramapo. While approaching the intersection of Route 17 and the exit 15A ramp of the New York State Thruway, Respondent drove into the rear end of another vehicle that was lawfully stopped at a traffic light.

5. The driver of the other vehicle called 911 to report the accident. Respondent called an attorney.

6. Police Officers Robert Navarro and Jonathan Quinn were dispatched to the scene and arrived separately. When Officer Navarro approached Respondent's vehicle and spoke with Respondent, he detected an odor of alcohol on Respondent's breath and observed that Respondent had red glassy eyes and difficulty keeping his balance as he exited his vehicle. Officer Quinn also detected the odor of alcohol emanating from inside the car and observed that Respondent had watery eyes, appeared wobbly as he exited the vehicle, and stumbled as he stepped away from his car.

7. Officer Quinn conducted two field sobriety tests, and Respondent failed both. At that point, F. Hollis Griffin, Jr., an attorney, arrived and advised Respondent not to take any additional tests. Respondent refused any further tests.

8. Respondent was placed under arrest. Respondent told Officer Quinn that he did not intend to cooperate and stated in sum and substance that he wanted to die, he wanted to hurt himself, and he wanted the officer to shoot him.

9. As Officer Quinn walked Respondent toward a police car, Respondent attempted to break away from his grasp.

10. Both officers struggled with Respondent to get him into the patrol car. Respondent repeatedly said that he wanted to die and that he was going to attack one of the officers so that he would shoot Respondent.

11. After being put into the police car, and while being transported to the police station, Respondent repeatedly slammed his head into the rear passenger-side window and the partition between the front and back seats of the patrol car.

12. At the police station, Respondent was placed in a holding cell. He continued to make suicidal statements and threatened to take an officer's gun. The police called for an ambulance. Respondent was placed on a gurney with restraints and was transported to Good Samaritan Hospital.

13. By simplified traffic informations, Respondent was charged with the following: Driving While Intoxicated, a misdemeanor, under Vehicle and Traffic Law (VTL) section 1192(3); Following Too Closely, a violation, under VTL section 1129(a); and Refusal to Take a Breathalyzer Test, a violation, under VTL section 1194(1)(B).

14. On March 14, 2012, Respondent appeared before Justice Laura G. Weiss in the Village of Piermont Justice Court and pled guilty to Driving While Ability Impaired by Alcohol, a violation, under VTL section 1192(1), in full satisfaction of all the charges.

15. On March 14, 2012, Respondent was sentenced to a one-year Conditional Discharge and a \$350 fine. Respondent was required to participate in the "Drinking Driver Program" and the Victim Impact Program, and to make restitution to the victim of

the motor vehicle accident. Respondent completed the “Drinking Driver Program” and the Victim Impact Program and made restitution for the damage caused to the other vehicle in the amount of \$228 and paid the fine of \$350. Respondent surrendered his driver’s license to the court on the date of sentence for a 90-day suspension, pending a 20-day stay granted by the court. Respondent’s driving privileges have since been restored.

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 respect and comply with the law and 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 conduct his extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that he failed to conduct his extra-judicial activities so as not to detract from the dignity of judicial office, in violation of Section 100.4(A)(2) of the Rules.

Additional Factors

17. Respondent acknowledges that he is an alcoholic and has been suffering from alcoholism, in various stages, for the last 15 to 20 years. Respondent states that the circumstances surrounding his arrest were a trigger for him to obtain the help that he

needed to treat his condition.

18. On August 20, 2011, the day after he was discharged from the hospital, Respondent met with a psychologist who specializes in the treatment of alcohol addiction. During the year following his arrest, Respondent attended weekly therapy sessions with his psychologist and also attended group treatment sessions approximately three times per month.

19. On August 20, 2011, Respondent attended his first Alcoholics Anonymous (“AA”) meeting. During the first 90 days following that meeting, Respondent attended approximately 90 AA meetings. He continues to attend AA meetings on a regular basis.

20. Respondent avers, and the Administrator does not refute, that Respondent has not had an alcoholic drink since the date of his arrest.

21. Respondent’s unruly, self-destructive and at times suicidal behavior at the time of the incident was instigated by the deleterious effects of alcohol, which significantly impaired his clarity and self-control. With the benefit of sobriety, Respondent regrets that he did not behave in a manner consistent with the integrity and dignity required of all judges, on or off the bench, and that he was burdensome and recalcitrant with the police officers.

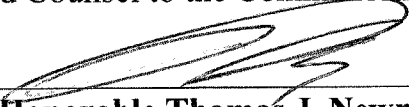
22. At no time did Respondent invoke his judicial office to secure favorable treatment in connection with this incident.

23. Respondent has been contrite and cooperative with the Commission throughout this inquiry and has expressed embarrassment and remorse for his behavior and any diminution of respect for the judiciary it may have caused.

IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Censure based upon the judicial misconduct set forth above.

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, the Respondent or the Administrator and Counsel to the Commission.

Dated: 11/22/13



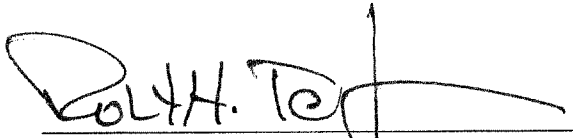
Honorable Thomas J. Newman
Respondent

Dated:
22 NOV. 13



Patrick T. Burke, Esq.
Burke, Miele & Golden, LLP

Dated: NOV. 26, 2013



Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(Brenda Correa, Of Counsel)

EXHIBIT 1

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

THOMAS J. NEWMAN, JR.,

a Justice of the Sloatsburg Village Court,
Rockland County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Thomas J. Newman, Jr., a Justice of the Sloatsburg Village Court, Rockland 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 New York office, 61 Broadway, Suite 1200, New York, New York 10006, with his verified Answer to the specific paragraphs of the Complaint.

Dated: September 13, 2013
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

To: Patrick T, Burke, Esq.
Burke, Miele & Golden, LLP
40 Matthews Street, Suite 209
P.O. Box 216
Goshen, New York 10924

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

THOMAS J. NEWMAN, JR.,

a Justice of the Sloatsburg Village Court,
Rockland 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 Thomas J. Newman, Jr. (“Respondent”), a Justice of the Sloatsburg Village Court, Rockland County.

3. The factual allegations set forth in Charge I 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 was admitted to the practice of law in New York in 1980. He has been a Justice of the Sloatsburg Village Court, Rockland County since 1981.

Respondent’s current term expires on December 5, 2016.

CHARGE I

5. On or about August 16, 2011, between 5:45 PM and 6:45 PM in the Town of Ramapo, New York, Respondent operated his automobile while under the influence of alcohol, caused a motor vehicle accident and was arrested, and was disruptive toward and uncooperative with the police.

Specifications to Charge I

6. On or about August 16, 2011, between 5:45 PM and 6:45 PM, after voluntarily consuming a number of alcoholic beverages, Respondent drove his automobile in the Town of Ramapo to the vicinity of Route 17 and the exit 15A ramp for the New York State Thruway, where his vehicle ran into the rear end of an automobile being operated by Oscar Padilla. At the time of the accident, Mr. Padilla's vehicle was lawfully stopped at a traffic light.

7. Mr. Padilla called 911 to report the accident. Respondent called an attorney.

8. Police Officers Robert Navarro and Jonathan Quinn were dispatched to the scene and arrived separately. Officer Navarro detected an odor of alcohol on Respondent's breath and observed that Respondent had red glassy eyes and difficulty keeping his balance when he exited his vehicle. Officer Quinn also detected the odor of alcohol emanating from inside the car and observed that Respondent had watery eyes and appeared wobbly as he exited his vehicle and stumbled as he stepped away from the car.

9. Officer Quinn conducted two field sobriety tests, and Respondent failed both. At that point, F. Hollis Griffin, Jr., an attorney, arrived and advised Respondent not to take any additional tests, and Respondent so refused.

10. Respondent was placed under arrest. Respondent told Officer Quinn that he did not intend to cooperate and stated in sum and substance that he wanted to die, he wanted to hurt himself and he wanted the officer to shoot him.

11. As Officer Quinn walked Respondent toward a police car, Respondent attempted to break away from his grasp.

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13. After being put into a police car, and while being transported to the police station, Respondent repeatedly slammed his head into the rear passenger-side window and the partition between the front and back seats of the patrol car.

14. At the police station, Respondent was placed in a holding cell. He continued to say that he wanted to kill himself and threatened to take an officer's gun. The police called for an ambulance. Respondent was placed on a gurney with restraints and transported to Good Samaritan Hospital.

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16. On or about March 14, 2012, Respondent appeared before Justice Laura G. Weiss in the Village of Piermont Justice Court and pled guilty to Driving While Ability

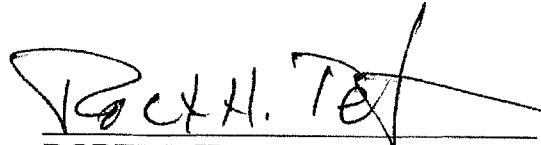
Impaired by Alcohol, a violation, under VTL section 1192(1), in full satisfaction of all the charges.

17. On or about March 14, 2012, Respondent was sentenced to a one-year Conditional Discharge and a \$500 fine. Respondent was required to participate in the "Drinking Driver Program" and the Victim Impact Program, and to make restitution to the victim of the motor vehicle accident, Oscar Padilla.

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 respect and comply with the law and failed to act 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 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 as not to detract from the dignity of judicial office, in violation of Section 100.4(A)(2) 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: September 13, 2013
New York, New York

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

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
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New York, New York 10006
(646) 386-4800

