

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

**LETICIA M. RAMIREZ,**

**AGREED  
STATEMENT OF FACTS**

a Judge of the Civil Court of the City of New York  
and an Acting Justice of the Supreme Court,  
1<sup>st</sup> Judicial District, New York County.

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Subject to the approval of the Commission on Judicial Conduct (“Commission”):

**IT IS HEREBY STIPULATED AND AGREED** by and between Robert H.

Tembeckjian, Administrator and Counsel to the Commission, and Honorable Leticia M. Ramirez (“Respondent”), who is represented in this proceeding by Deborah A. Scalise of Scalise & Hamilton, 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 2000. She has been a Judge of the Civil Court of the City of New York, since 2011, and an Acting Justice of the Supreme Court, 1<sup>st</sup> Judicial District, New York County, since 2015, having also served as an Acting Judge of the Family Court, Kings County, from 2011 to 2015. Respondent’s term expires on December 31, 2020.

2. Prior to becoming a judge, Respondent worked in the court system in various capacities. She was a court officer and attended law school while so employed.

Upon graduating from law school in 1998, she became a court assistant and a court attorney (*i.e.* law clerk) to a judge. She was never employed or engaged in the private practice of law and never represented clients, except for the one occasion addressed herein where she attempted, but was ruled ineligible, to represent her son in a criminal matter.

3. Respondent was served with a Formal Written Complaint dated January 11, 2017. She enters into this Agreed Statement of Facts in lieu of filing an Answer.

**As to Charge I**

4. In late May or early June 2013, Respondent lent the prestige of her judicial office to advance the private interests of another by invoking her judicial title and judicial position in a letter she wrote on behalf of her childhood babysitter, L [REDACTED] S [REDACTED], to be filed in a court other than her own in connection with an application for relief that Ms. S [REDACTED] was making in that other court.

**As to the Specifications to Charge I**

5. L [REDACTED] S [REDACTED] had been Respondent's babysitter when Respondent was a child. They remained close after Respondent became an adult.

6. Ms. S [REDACTED] was convicted in the Criminal Court of the City of New York in 2004 on a charge of promoting gambling in the second degree, a class A misdemeanor.

7. On May 17, 2013, Ms. S [REDACTED]'s attorney, Lisa Napoli, Esq. asked Respondent to write a letter on Ms. S [REDACTED]'s behalf in support of a motion to vacate the 2004 conviction.

8. On May 29, 2013, Respondent drafted an undated letter on her judicial stationery on behalf of Ms. S[REDACTED]. Respondent addressed the letter to “Your Honor,” did not name the judge for whom the letter was intended, and identified herself as a judge. Respondent described her relationship with Ms. S[REDACTED] in the letter, noting, *inter alia*, that she considered Ms. S[REDACTED] to be “part of [her] family.” A copy of Respondent’s letter is appended as Exhibit 1.

9. In late May or early June 2013, Respondent gave the signed letter to Ms. Napoli, who submitted it to the Criminal Court of the City of New York as an exhibit to Ms. S[REDACTED]’s motion to vacate her conviction.

10. 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; and failed to avoid impropriety and the appearance of impropriety, in that she 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, allowed a family or social relationship to influence her judgment, in violation of Section 100.2(B) of the Rules, and lent the prestige of judicial office to advance the private interests of another, and conveyed the impression that certain individuals were in a special position to influence her, in violation of Section 100.2(C) of the Rules.



**As to Charge II**

11. In the fall of 2014, Respondent lent the prestige of her judicial office to advance the private interests of another by invoking her judicial title and judicial position in affirmations she wrote on behalf of her son, Michael Tineo, to be filed in the Appellate Division in connection with his criminal case.

**As to the Specifications to Charge II**

12. Michael Tineo is Respondent's adult son.

13. On November 26, 2004, Mr. Tineo was arrested in Suffolk County. He was subsequently charged with murder in the second degree and related offenses.

14. Respondent was deeply upset by the situation as a parent.

15. At the time of Mr. Tineo's arrest, Respondent was employed as a court attorney for a judge of the Civil Court of the City of New York. She telephoned the Suffolk County Police Department in Yaphank and identified herself as an attorney, with the intent of representing Mr. Tineo. At a subsequent suppression hearing in 2005 in County Court, Suffolk County, the court held that Respondent was not eligible to represent Mr. Tineo because of her employment status as a court attorney.

16. In January 2006, Mr. Tineo was convicted and sentenced to a term of imprisonment.

17. In the fall of 2014, Mr. Tineo, who remained incarcerated but at the time was not represented by counsel, asked Respondent to write an affirmation in support of a petition for a writ of habeas corpus that he planned to file. Respondent wrote an



“Affirmation in Support Writ of Habeas Corpus” of Mr. Tineo, to be filed with the Appellate Division. A copy of Respondent’s affirmation is appended as Exhibit 2.

- A. In the affirmation, Respondent *inter alia* identified herself as a judge, set forth a series of facts regarding her attempt to represent her son at the time of his arrest and asked the Court to “grant the relief sought.” Although she did not specify the “relief sought” in the body of her affirmation, it is evident from the affirmation’s title, and Respondent hereby acknowledges, that by “relief sought” she meant the court should grant her son’s petition for habeas corpus.
- B. Although Mr. Tineo’s case was a Second Department matter, Respondent’s affirmation was mistakenly captioned “APPELLATE DIVISION FIRST DEPARTMENT.”
- C. Respondent gave her affirmation to Mr. Tineo, who filed it with his *pro se* petition for a writ of habeas corpus to the Appellate Division, First Department. The First Department transferred these papers to the Appellate Division, Second Department, where they were received on February 9, 2015.

18. On or about the same date in the fall of 2014, Respondent also wrote an “Affirmation of Jurisdiction” to be filed with the Appellate Division with the “Affirmation in Support Writ of Habeas Corpus.” A copy of Respondent’s “Affirmation of Jurisdiction” is appended as Exhibit 3.

- A. In the affirmation, Respondent asked that her son's petition not be heard in the Second Department because she was sitting in Family Court in Kings County and had cases on appeal to the Appellate Division in that Department.
- B. Although Mr. Tineo's case was a Second Department matter, Respondent's affirmation was mistakenly captioned "APPELLATE DIVISION FIRST DEPARTMENT."
- C. Respondent gave her affirmation to Mr. Tineo, who filed it with his *pro se* petition for a writ of habeas corpus to the Appellate Division, First Department. The First Department transferred these papers to the Appellate Division, Second Department, where they were received on February 9, 2015.

19. Mr. Tineo's petition for a writ of habeas corpus was denied by the Appellate Division, Second Department, on March 9, 2015. *See Ex rel Tineo v Capra*, 2015 NY Slip Op 66326(U) (AD 2d Dept 2015). A copy of the decision is appended as Exhibit 4.

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; and failed to avoid impropriety and the appearance of impropriety, in

that she 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, allowed a family or social relationship to influence her judgment, in violation of Section 100.2(B) of the Rules, and lent the prestige of judicial office to advance the private interests of another, and conveyed the impression that certain individuals were in a special position to influence her, in violation of Section 100.2(C) of the Rules.

**Additional Factors**

21. Respondent has been cooperative and contrite throughout the Commission's inquiry and has had an otherwise unblemished career as a judge.

22. As to the S [REDACTED] matter, Respondent testified under oath during the Commission's investigation that she believed, in error, that it was permissible for her to write the letter on behalf of Ms. S [REDACTED] (Exhibit 1) because the letter, *inter alia*, (i) did not request specific relief on behalf of Ms. S [REDACTED], (ii) gave an accurate description as to Respondent's past and present contacts with Ms. S [REDACTED], (iii) was typed by Respondent herself, not by a member of her court staff, and (iv) provided Respondent's home telephone number instead of her chambers number. Respondent now acknowledges that she should have been aware that the Rules Governing Judicial Conduct, pertinent disciplinary determinations by the Commission and applicable opinions of the Advisory Committee on Judicial Ethics, prohibited her from writing to another judge on Ms. S [REDACTED]'s behalf. She pledges that she will refrain from such conduct in the future.



23. Respondent took no other action on behalf of Ms. S[REDACTED]. Respondent did not appear at Ms. S[REDACTED]'s court hearing, nor did Respondent have further communication with the judge handling Ms. S[REDACTED]'s case. At the time she wrote the letter, she did not know the identity of the judge who would be assigned to the matter.

24. As to the *Tineo* matter, Respondent avers that she submitted the "Affirmation in Support Writ of Habeas Corpus" (Exhibit 2) to provide the court with factual information about her son's case as a witness, based on her personal involvement in the matter before she took the bench.

25. Respondent avers that she submitted the "Affirmation of Jurisdiction" (Exhibit 3) in an attempt to notify the court about a potential conflict in her son's petition being heard by the Appellate Division, Second Department, given that Respondent was, at that time, a judge whose decisions were subject to review by that court. Although it was not her intention, she realizes now that her conduct gave rise to the appearance that she was practicing law, even though Mr. Tineo's papers made it clear that he was acting *pro se*.

26. Respondent further testified that the language in the prayer for relief in the closing paragraph of both affirmations, *i.e.* the "wherefore" clause, was adopted from papers that had come before her as an employee of the court system. Respondent avers that her lack of experience in practicing law (see paragraph 2 herein) contributed to her mistaken belief that she needed to include such language in her affirmations.

27. Respondent acknowledges and regrets that her affirmations created the appearance that she was lending the prestige of judicial office to advance the private interests of her son. She pledges to refrain from such conduct in the future.

28. Respondent has now familiarized herself with Commission determinations in which judges were publicly reprimanded for lending the prestige of judicial office to advance private interests, such as *Matter of Larry D. Martin*<sup>1</sup>, in which a Supreme Court Justice was admonished for writing two letters on judicial stationery to other judges, seeking favorable sentencing dispositions on behalf of two criminal defendants who were the sons of his long-time family friends, and *Matter of Nancy E. Smith*<sup>2</sup>, in which an Appellate Division Justice was admonished for writing a letter on her judicial stationery to the New York State Division of Parole, at a third party's request, expressing support for an inmate whom the judge had never met. Respondent now more fully appreciates her obligation to refrain from lending or even appearing to lend the prestige of her judicial office, intentionally or unintentionally, to advance the private interests of herself and others, including family members. She pledges to abide faithfully to this obligation in the future.

**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 Admonition based upon the judicial misconduct set forth above.

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<sup>1</sup> 2003 Annual Report 216 (Com on Jud Conduct 2002)

<sup>2</sup> 2014 Annual Report 208 (Com on Jud Conduct 2013)

**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 Admonition 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.

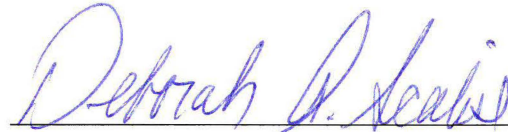
Dated:

4/12/17

  
**Honorable Leticia M. Ramirez**  
Respondent

Dated:

4/10/17

  
**Deborah A. Scalise**  
Scalise & Hamilton, LLP  
Attorney for Respondent

Dated: 4/10/2017



**Robert H. Tembeckjian**  
Administrator & Counsel to the Commission  
(**Daniel W. Davis**, Of Counsel)





LETICIA M. RAMIREZ  
JUDGE

CHAMBERS  
330 JAY STREET  
BROOKLYN, N.Y. 11201

Your Honor,

I am writing this letter on behalf of L [REDACTED] S [REDACTED], known to me my whole life as "X".

I met X sometime in 1965 or 1966, as she was my babysitter. X cared for us while my parents were away, or at work. She has cared for all of my siblings at some time or another. Although there is no relation by consanguinity, I hold X out as part of my family. She has attended family functions too numerous to list. When I visit my mother on Long Island and I review the family album from the 60's and the 70's, X can be seen in many of our pictures.

Lately, I have not had much contact with X. However, I always ask about X through my Aunt Tete who is very close to her and sees her on a regular basis. When I was to become a judge, I invited X to my swearing-in ceremony. She was unable to attend because of some family issue. However, had she attended she would have been included in all of the family photographs that were taken.

Prior to my election, X would call me for legal advice and ask me to explain documents to her that were sent to her by her landlord. Since she does not speak or read English, I would not only translate them but would also advise her as to what, if anything, she should do. While I understand that X could have called someone else to translate, I am happy that she called me. I was able to guide her and explain her legal options and what defenses, if any, she would be able to interpose. In assisting X, I have never represented her. My employment as a court attorney restricted such representation. However, because of her financial difficulties and her difficulties with the language, if I remember correctly, I referred her to Northern Manhattan Improvement Corporation. I was familiar with the attorneys who practiced Landlord and Tenant Law there and knew that they spoke Spanish.

Should you need further information concerning L [REDACTED] S [REDACTED], please feel free to contact me at my home number which is [REDACTED].

Respectfully,

*Leticia M Ramirez*



SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION FIRST DEPARTMENT

-----X

THE STATE OF NEW YORK ex, rel. MICHAEL TINEO

Petitioner

Affirmation in Support  
Writ of Habeas Corpus

against

MICHAEL CAPRA, Superintendent of Sing Sing  
Correctional Facility

Respondent

-----X

LETICIA M. RAMIREZ, duly admitted to the bar in the State of New York, but retired from said practice, as I am a Judge of the Civil Court of the City of New York, currently presiding as a Justice of the Family Court in the Second Department, affirms the following under penalty of perjury:

- 1) That I submit this affirmation in support of the petitioner, Michael Tineo's, request for a Writ of Habeas Corpus.
- 2) That at the time of the arrest of the petitioner Michael Tineo, I was an attorney, in good standing; employed as a confidential hire to the Honorable Jose A. Padilla, Jr., in the Civil Court of the City of New York.
- 3) That on November 26, 2004 I was informed by my son Renaldo Tineo that my younger son Michael Tineo, was in police custody.
- 4) That on November 26, 2004, my son, petitioner, Michael Tineo, was in fact in the custody of the Suffolk County Police Department.
- 5) That on November 26, 2004, I called the Suffolk County Police Department in Yaphank, New York, identified myself as an attorney, with the intent of representing petitioner Michael Tineo.

- 6) That the Suffolk County Police Department did not inform me that they did in fact have the petitioner, Michael Tineo, in custody.
- 7) That I testified to this at a suppression hearing on behalf of the petitioner, Michael Tineo, on or about August 2005.
- 8) That the hearing court made a finding of fact that I did inform Suffolk County Police Department that I was an attorney.
- 9) That the hearing court also found that petitioner, Michael Tineo's, right to counsel did not attach because I was his mother and a court attorney and therefore unable to represent him.
- 10) That the testimony at the suppression hearing revealed that I had represented him in the past.
- 11) That at the time of my employment in the capacity as court attorney to the Hon. Jose A. Padilla, Jr., there were no restrictions to my representing any family member, so long as it was not in the court where the Hon. Jose A. Padilla, Jr. was presiding, to wit: the Civil Court of the City of New York, in the County of New York.

WHEREFORE, your affirmant respectfully requests that this Court grant the relief sought herein and such other and further relief as this Court deems just and proper.

SUPREME COURT, STATE OF NEW YORK  
APPELLATE DIVISION SECOND DEPT.  
I, APRILANNE AGOSTINO, Clerk of the Appellate Division of  
the Supreme Court, Second Judicial Department, do hereby certify  
that I have compared this copy with the original filed in my office on  
2-9-15 and that this copy is a correct transcription of said original.  
IN WITNESS WHEREOF I have hereunto set my hand and affixed  
the seal of this Court on 2-10-15  
*Aprilanne Agostino*

*Hon. Leticia M. Ramirez*

Hon. Leticia M. Ramirez  
Acting Justice of the Family Court  
Kings County



SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION FIRST DEPARTMENT

-----X  
In the Matter of the Application of

MICHAEL TINEO

Petitioner

against

MICHAEL CAPRA

Superintendent of Sing Sing Correctional Facility

Affirmation

of


Jurisdiction

Respondent

-----X  
LETICIA M RAMIREZ, duly admitted to the bar in the State of New York, but retired from said practice, as I am a Judge of the Civil Court of the City of New York, currently presiding as a Justice of the Family Court in the Second Department, affirms the following under penalty of perjury:

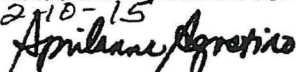
- 1) That I am currently presiding as a Justice of the Family Court in the State of New York in Kings County, New York.
- 2) That numerous decisions issued by me are under appellate review at the Appellate Division, Second Department, Kings County.
- 3) That in order to avoid the appearance of impropriety, I respectfully request that the matter not be heard in the Appellate Division, Second Department.

WHEREFORE, your affirmant respectfully requests that this Court grant the relief sought herein and such other and further relief as this Court deems just and proper.

  
Hon. Leticia M. Ramirez  
Acting Justice of the Family Court

SUPREME COURT, STATE OF NEW YORK  
APPELLATE DIVISION SECOND DEPT.

I, APRILANNE AGOSTINO, Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on 2-9-15 and that this copy is a correct transcription of said original. IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 2-10-15



2015 WL 1013090 (N.Y.A.D. 2  
Dept.), 2015 N.Y. Slip Op. 66326(U)

**This motion is uncorrected and is not subject  
to publication in the Official Reports.**

The People, etc., ex rel. Michael Tineo, petitioner,  
v.

Michael Capra, etc., respondent.

**MOTION DECISION**

2015-00980  
Supreme Court, Appellate Division,  
Second Department, New York  
March 9, 2015

RANDALL T. ENG, P.J., MARK C. DILLON,  
CHERYL E. CHAMBERS, BETSY BARROS, JJ.

**DECISION & ORDER ON MOTION**

Application by the petitioner for a writ of habeas corpus.

Upon the papers filed in support of the application and  
the papers filed in opposition thereto, it is

ORDERED that the application is denied.

ENG, P.J., DILLON, CHAMBERS and BARROS, JJ.,  
concur.

ENTER:

Aprilanne Agostino

Clerk of the Court

Copr. (C) 2017, Secretary of State, State of New York