

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

VERIFIED ANSWER

MICHELLE A. VANWOEART,

a Justice of the Princetown Town Court,
Schenectady County.

Respondent, Michelle A. VanWoeart, by and through her attorneys, Law Offices of John R. Seebold, PLLC (John R. Seebold, Esq.), as and for a Verified Answer to the Formal Written Complaint of the Commission, states, upon information and belief, as follows:

1. Denies knowledge or information sufficient to form a belief as the truth of each and every allegation contained in Paragraph "2" of the Formal Written Complaint and refers all questions of law to the Commission.
2. Denies that Respondent committed judicial misconduct as alleged in Paragraph "3" of the Formal Written Complaint and refers all questions of law to the Commission.
3. Denies each and every allegation contained in Paragraphs "5, A & B" and "20" of the Formal Written Complaint and refers all questions of law to the Commission.
4. Admits "Thank you" was a reply of the Respondent as alleged in Paragraph "17" of the Formal Written Complaint, but that was also her reply to the previous seven (7) posts depicted in Exhibit "5" and refers all questions of law to the Commission.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE:

5. The specified conduct alleged in the Formal Written Complaint is not improper nor unethical.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE:

6. New York Advisory Committee on Judicial Ethics Opinion 19-63 expressly permits public discussion of a Court's operation including a decrease or increase in revenue.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE:

7. Respondent in no way violated 22 NYCRR §§ 100.1, 100.2 or 100.5.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE:

8. All statistics cited by the Respondent were obtained as public records from the New York State Office of the State Comptroller.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE:

9. Judicial candidates have a right to discuss public issues and advocate for their own election.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE:

10. Voters have a right to obtain the information that is relevant in making their electoral choices.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE:

11. Facebook "likes" could not be misconstrued because they did not reflect cases, controversies or issues that would likely come before the Court.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE:

12. The Formal Written Complaint fails to state a cause of action for which relief can be granted.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE:

13. The Respondent hereby gives notice that she intends to rely on such other and further defenses as may become available during discovery in this case, and she hereby reserves the right to amend her Answer to assert any such defenses.

WHEREFORE, Respondent, Michelle A. VanWoeart, prays for judgment dismissing the Formal Written Complaint in its entirety together with costs, disbursements and such other and further relief as the Commission deems just and proper.

Dated: November 7, 2019



John R. Seebold

LAW OFFICES OF JOHN R. SEEBOLD, PLLC
Attorneys for Respondent
1536 Union Street
Schenectady, New York 12309
(518) 374-2261

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

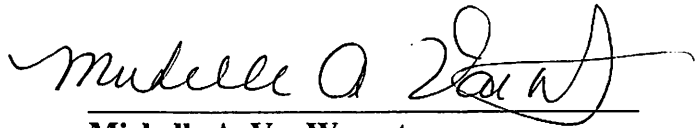
VERIFICATION

STATE OF NEW YORK:

SS:

COUNTY OF SCHENECTADY:

MICHELLE A. VANWOEART, being duly sworn, deposes and says that deponent is the Respondent in the within action; that deponent has read the foregoing VERIFIED ANSWER TO FORMAL WRITTEN COMPLAINT and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.



Michelle A. VanWoeart

Sworn to before me this
7th day of November, 2019.


Notary Public

JOHN R. SEEBOLD
Notary Public, State of New York
No. 02SE4978169 Qualified in Schoharie County
Commission Expires 2/29/23

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

**AFFIDAVIT OF
SERVICE BY MAIL**

MICHELLE A. VANWOEART,

a Justice of the Princetown Town Court,
Schenectady County.

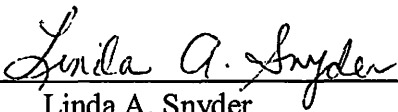
STATE OF NEW YORK :
SS:
COUNTY OF SCHENECTADY :

LINDA A. SNYDER, being duly sworn, deposes and says: Deponent is not a party to the action, is over 18 years of age and resides in Schenectady, New York.

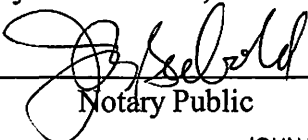
On November 8, 2019, deponent served the within **Verified Answer** on:

ROBERT H. TEMBECKJIAN, ESQ.
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006

the address designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postage-paid addressed wrapper under the exclusive care and custody of the United States Postal Service within the State of New York.


Linda A. Snyder

Sworn to before me this 8th
day of November, 2019.


Notary Public

JOHN R. SEEBOLD
Notary Public, State of New York
No. 02SE4978169 Qualified in Schoharie County
Commission Expires 2/23/23