



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT
61 BROADWAY
NEW YORK, NEW YORK 10006

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

646-386-4791 646-458-0037
TELEPHONE FACSIMILE

www.scjc.state.ny.us

BETH S. BAR
PUBLIC INFORMATION OFFICER

NEWS RELEASE

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Contacts:	Robert H. Tembeckjian, Administrator (646) 386-4800
	Beth S. Bar, Public Information Officer (646) 386-4791

The New York State Commission on Judicial Conduct has determined that Thomas W. Baldwin, a Justice of the Cairo Town Court, Greene County, should be admonished.

In a determination dated August 22, 2008, the Commission said Judge Baldwin, who is not an attorney, should be reprimanded as a result of the “significant” delays in three small claims actions filed in his court. In one case, the judge failed to issue a decision after a hearing, apparently because of a lost file; in another case, Judge Baldwin did not rule on a motion to dismiss; and in the third case he failed to rule on a request to hold a debtor in contempt over the alleged failure to return an \$855 deposit.

“These delays, in cases that have been pending for several years, deprived parties of the opportunity to have their claims resolved in a timely manner,” the Commission said in its determination.

The Commission also said it was “improper” for Judge Baldwin to delay issuing an eviction warrant in a fourth case based upon *ex parte* communication and for him not to force the tenants to make a deposit with the court, as required by law.

The Commission Proceedings

Judge Baldwin was served with a Formal Written Complaint dated March 5, 2008, and filed an answer dated April 4, 2008. The Administrator of the Commission and Judge Baldwin entered into an Agreed Statement of Facts on July 22, 2008, stipulating that the Commission make its determination based on the agreed facts, recommending that the judge be admonished, and waiving further submissions and oral arguments.

The Commission accepted the Agreed Statement on July 31, 2008.

The Commission Determination

The Commission filed a determination dated August 22, 2008, in which all 11 members concurred.

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7.

A judge may either accept the Commission's determination or, within 30 days from the date he received the determination, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Baldwin does not request review by the Court of Appeals, the Commission will admonish him in accordance with the determination.

If the Commission's determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has admonished 224 judges in New York State, 148 of them town or village justices. (More than two-thirds of the judiciary in New York State are part-time). The Commission has issued a determination of removal as to 158 judges and has censured 269 judges.

The Court of Appeals has reviewed 86 Commission determinations. The Court accepted the Commission's sanctions in 72 cases. Of the remaining 14 cases, two were increased from censure to removal, and twelve were reduced: nine removal determinations were modified to censure, two censure determinations were modified to admonition, and one censure was rejected and the charges dismissed.

Counsel

In the proceedings before the Commission, Judge Baldwin represented himself. Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, Cathleen S. Cenci, Esq., Deputy Administrator for the Commission's Albany office, and Cheryl L. Randall, Esq., a senior attorney, served as counsel to the Commission. Senior Investigator Donald R. Payette assisted in the investigation.

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

61 Broadway
New York, New York 10006

Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

400 Andrews Street
Rochester, New York 14604

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Hon. Thomas A. Klonick, Chair	Chief Judge Judith S. Kaye	March 31, 2009
Stephen R. Coffey, Esq., Vice Chair	Former Senate Majority Leader Joseph L. Bruno	March 31, 2011
Joseph W. Belluck, Esq.	Governor David A. Paterson	March 31, 2012
Colleen C. DiPirro	Former Governor George E. Pataki	March 31, 2009
Richard D. Emery, Esq.	Senate Minority Leader Malcolm A. Smith	March 31, 2012
Paul B. Harding, Esq.	Assembly Minority Leader James Tedisco	March 31, 2009
Elizabeth B. Hubbard	Governor David A. Paterson	March 31, 2011
Marvin E. Jacob, Esq.	Assembly Speaker Sheldon Silver	March 31, 2010
Hon. Jill Konviser	Former Governor George E. Pataki	March 31, 2010
Hon. Karen K. Peters	Chief Judge Judith S. Kaye	March 31, 2010
Hon. Terry Jane Ruderman	Chief Judge Judith S. Kaye	March 31, 2012