



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](http://www.scjc.state.ny.us)

BETH S. BAR  
PUBLIC INFORMATION OFFICER

## NEWS RELEASE

*FOR RELEASE April 1, 2009*

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

The New York State Commission on Judicial Conduct has determined that Howard M. Aison, a Judge of the Amsterdam City Court, Montgomery County, should be censured.

In a determination dated March 26, 2009, the Commission said Judge Aison, while serving as a part-time judge who was permitted to practice law:

- arranged to have charges against his client filed in the Amsterdam Town Court, which did not have original jurisdiction over the case, in order to circumvent the prohibition against practicing law in his own court;
- failed to disqualify himself in a 2005 harassment case or disclose that he had previously represented the complaining witness; the prior representation was limited to a single office visit in 2003, which the judge did not remember.
- violated a statutory prohibition by representing three defendants in other courts, notwithstanding that the cases had originated in his own court; and
- in one of the three cases, drafted papers for his client to submit in his own court before the matter was transferred, without indicating he had done so.

“In its totality, [Judge Aison’s] conduct showed insensitivity and inattention to his ethical responsibilities and, in particular, to the special obligation of judges who are permitted to practice law,” the Commission said.

In mitigation, the Commission noted that Judge Aison was “candid, cooperative and contrite.” The Commission also noted that the judge, who now serves full-time, no longer practices law.

Four members of the Commission dissented and voted to remove the judge from office.

The determination can be found on the Commission’s web site:

[www.scjc.state.ny.us](http://www.scjc.state.ny.us).

### **The Commission Proceedings**

Judge Aison was served with a Formal Written Complaint dated November 13, 2007, containing three charges, and filed an amended answer dated May 19, 2008.

On April 23, 2008, the Commission designated Philip C. Pinsky, Esq., as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held in Albany on July 9, 2008, and the referee filed a report dated December 16, 2008.

On January 9, 2009, the Administrator of the Commission, Judge Aison’s attorney, and Judge Aison entered into a Stipulation recommending that the Commission accept the referee’s findings of fact and conclusions of law and determine that the judge be censured. The Commission accepted the Stipulation on January 28, 2009.

### **The Commission Determination**

The Commission filed a determination dated March 26, 2009.

Judge Thomas A. Klonick (the Commission Chair), Stephen R. Coffey, Esq. (the Vice Chair), Paul B. Harding, Esq., Elizabeth B. Hubbard, Judge Jill Konviser, and Judge Terry Jane Ruderman concurred.

Richard D. Emery, Esq., wrote a dissenting opinion in which Joseph W. Belluck, Esq., Marvin E. Jacob, Esq., and Judge Karen K. Peters joined. The four dissenting members voted to reject the stipulation on the basis that the disposition was too lenient and that the judge should be removed from office.

### **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 of receipt, 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 Aison does not request review by the Court of Appeals, the Commission will censure 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 censured 276 judges in New York State, 82 of them full-time judges. (More than two-thirds of the judiciary in New York State are part-time.) The Commission has issued a determination of removal as to 160 judges and has admonished 228 judges.

The Court of Appeals has reviewed 88 Commission determinations. The Court accepted the Commission's sanctions in 74 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 Aison was represented by F. Stanton Ackerman, Ackerman, Wachs and Finton, P.C., 90 State Street, Suite 911, Albany, NY 12207, (518) 463-2259.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Cheryl L. Randall, a senior attorney. Senior Investigator David Herr 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**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
Hon. Thomas A. Klonick, Chair	Chief Judge Jonathan Lippman	March 31, 2013
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
Richard D. Emery, Esq.	Former Senate Minority Leader Malcolm A. Smith	March 31, 2012
Paul B. Harding, Esq.	Assembly Minority Leader James Tedisco	March 31, 2013
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	Former Chief Judge Judith S. Kaye	March 31, 2010
Hon. Terry Jane Ruderman	Former Chief Judge Judith S. Kaye	March 31, 2012
VACANT	Governor David A. Paterson	March 31, 2013

