



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT
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NEWS RELEASE

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The New York State Commission on Judicial Conduct has determined that Joseph S. Alessandro, a Justice of the Supreme Court, Westchester County, and Francis M. Alessandro, a Judge of the New York City Civil Court, Bronx County, should be removed from office.

The two judges are brothers.

In separate determinations dated February 11, 2009, the Commission found as follows:

- Joseph Alessandro attempted to defraud Barbara Battista, the campaign manager of his 2003 campaign for County Court, by altering the repayment terms of a \$250,000 loan that she had made to his 2003 campaign for County Court. Although he had agreed to repay the loan in full within nine months, he failed to do so, and when his campaign manager sued, Judge Alessandro claimed to have agreed to repay it in 15 years. He later gave misleading and evasive testimony about the transaction, evincing “a level of dishonesty which is unacceptable for a member of the judiciary.”¹
- Joseph Alessandro filed a materially incomplete financial disclosure statement for 2004 with the Ethics Commission for the Unified Court System.

¹ In February 2006, during the course of the Commission’s investigation, Joseph and Francis Alessandro settled the lawsuit by agreeing to pay Ms. Battista \$273,000.

- Francis Alessandro filed materially incomplete financial disclosure statements for 2003 and 2004 with the Ethics Commission for the Unified Court System.
- Both Joseph Alessandro and Francis Alessandro submitted various loan applications in 2004 and 2005 that omitted various assets and liabilities, including the Battista loan, evincing “deceptive,” “deceitful” and “dishonest” behavior rendering them unfit for judicial office.

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

www.scjc.state.ny.us.

The Commission Proceedings

Judge Joseph Alessandro was served with an Amended Formal Written Complaint on February 19, 2007 containing four charges, and filed a verified Answer dated March 5, 2007.

Judge Francis Alessandro was served with an Amended Formal Written Complaint on February 19, 2007 containing two charges, and filed a verified Answer dated February 22, 2007.

The Commission designated Mark S. Arisohn, Esq., as referee in both cases to hear and report proposed findings of fact and conclusions of law. On March 9, 2007, the Commission directed that the hearing in the matters involving the two judges be consolidated. A joint hearing was held on June 18 through June 20, 2007, and February 14, 15, and 22, 2008, in New York City.

The referee filed a report on July 21, 2008. The parties submitted briefs with respect to the referee’s report and the issue of sanctions. Counsel for the Commission recommended that the judges be removed, and the attorneys for the judges recommended the sanction of admonition or censure.

The Commission heard oral arguments on December 11, 2008.

The Commission Determination

The Commission filed separate determinations, both dated February 11, 2009.

As to Joseph Alessandro: Judge Thomas A. Klonick (the Commission Chair), Stephen R. Coffey, Esq. (the Vice Chair), Joseph W. Belluck, Esq., Richard D.

Emery, Esq., Paul B. Harding, Esq., Elizabeth B. Hubbard, Marvin E. Jacob, Esq., Judge Jill Konviser and Judge Karen K. Peters concurred in the determination to remove Judge Joseph Alessandro. Judge Terry Jane Ruderman did not participate.

As to Francis Alessandro: Judge Klonick, Mr. Coffey, Mr. Belluck, Mr. Emery, Mr. Harding, Mr. Jacob, and Judges Konviser and Peters concurred in the determination to remove Judge Francis Alessandro. Ms. Hubbard dissented in a separate opinion as to the sanction and voted that the judge be censured. Judge Terry Jane Ruderman did not participate.

Court of Appeals Review

The Commission transmitted its determinations 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 the judges do not request review by the Court of Appeals, the Court of Appeals will issue an order removing them from office in accordance with the Commission determination. Removal automatically bars a judge from holding judicial office in the future.

If the Commission's determinations are 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 issued a determination of removal as to 160 judges in New York State, 41 of who were full-time judges. (More than two-thirds of the judiciary in New York State are part-time). The Commission has censured 273 judges and has admonished 227 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 Joseph Alessandro was represented at the hearing by Hal R. Lieberman and Concepcion A. Montoya of Hinshaw and Culbertson, 780 Third Avenue, New York, NY, and thereafter by Paul DerOhannesian, II, and Jennifer C. Zegarelli, of DerOhannesian & DerOhannesian, 677 Broadway, Suite 202, Albany, NY 12207 (518) 465-6420.

Judge Francis Alessandro was represented by Marvin Ray Raskin, 944 Gerard Avenue, Bronx, NY 10452 (718) 293-2222.

Robert H. Tembeckjian, Administrator and Counsel to the Commission, Edward Lindner, Deputy Administrator for Litigation for the Commission, Steven Scheckman, Deputy Administrator for the New York City office, and staff attorney Melissa DiPalo served as counsel to the Commission. Former Deputy Administrator Alan W. Friedberg tried part of the case before the referee and thereafter left the Commission staff to become Chief Counsel to the Departmental Disciplinary Committee (Appellate Division, First Department). Senior Investigator Margaret Corchado 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 determinations are attached. The records of the proceedings upon which the determinations are based are 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	(Former) 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
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, 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	(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, 2009