



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

Commission's Annual Report Released: More Complaints Against Judges, Fewer Public Disciplines, More Cautions, Reduced Backlog

More complaints than ever before were filed against judges of the New York State court system in 2008, for the second year in a row. At the same time, the number of public disciplinary actions decreased from 27 to 21, while the number of confidential cautions increased from 25 to 37.

Despite the steady increase in caseload, the backlog of pending complaints against judges has been reduced by 24% in the last two years, due to the State Legislature's commitment in April 2007 to increase the resources of the Commission on Judicial Conduct.

These were among the findings in the Commission's 2009 Annual Report, released today. The Commission is the state agency responsible for investigating complaints of misconduct against judges of the state unified court system and, where appropriate, disciplining such judges for violations of the Rules Governing Judicial Conduct.

The 2009 Report documents the Commission's work in 2008. To promote environmental and financial responsibility, the Commission has produced the report in CD rather than paper format. The Report is also available on the Commission's website, www.scjc.state.ny.us.

HIGHLIGHTS

- 1,923 complaints received – the most ever in a single year, up from 1,711 last year.
- 354 preliminary inquiries conducted, down from 413 last year.
- 262 new investigations authorized, the second highest ever, and up from 192 last year.¹
- 238 pending matters carried forward from the previous year, down from 275 last year.
- 208 matters pending at year's end, down from 275 in 2007: a 24% reduction.
- 21 public decisions rendered throughout the state, down from 27 last year:
 - 1 Removal from office
 - 8 Public Censures
 - 6 Public Admonitions
 - 6 public stipulations in which judges formally charged with misconduct agreed to leave the bench and not to seek judicial office in the future
- 20 judges resigned while under investigation or while formal charges were pending, up from 9 last year.
- 37 confidential cautionary letters were issued, up from 25 last year.

BUDGET

The Legislature's commitment in 2007, to increase the Commission's resources to cope with a steadily growing caseload and backlog, led to the first meaningful staff expansion in more than a generation, a reduction in the backlog by 24%, and an ability to stay on top of the still-increasing caseload.

At the same time, in light of the severe economic crisis affecting the state and nation, the Commission did its part by reducing its budget request for 2009-10,

¹ The highest number ever was 267 in 2006.

capping its staff at 49 (rather than the allotted 55) and making other significant sacrifices.

1975-2008 STATISTICS

A temporary Commission was created by the Legislature in 1975, made permanent by constitutional amendments in 1977 and 1978. From January 1975 through December 2008, the Commission received 39,457 complaints and conducted 7,332 investigations. Through 2008, 692 judges were publicly disciplined for judicial misconduct, including 157 who were removed from office and five who were suspended without pay (when the Commission suspension power.) In addition, 1,359 judges have been confidentially cautioned, and 421 resigned while under investigation or formal charges.

OBSERVATIONS AND RECOMMENDATIONS

The Commission's Report recommends that post-investigation formal disciplinary proceedings be public (pp. 15-16). The Report also recommends that the State Constitution be amended to provide suspension from office as an available sanction (pp.16-18).

The Report also addresses the following topics:

- Plea bargaining with officers in vehicle & traffic cases (pp. 18-19);
- Raising funds for civic, charitable or other organizations (pp. 19-20); and
- Setting bail in only one form (pp. 20-21).

WEBSITE & OFFICE ADDRESSES

The 2009 Annual Report and other information about the Commission is available at its website: www.scjc.state.ny.us

The Commission's offices are located at the following addresses:

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 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.	Former 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
Nina M. Moore	Governor David A. Paterson	March 31, 2013
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