



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT  
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## NEWS RELEASE

*FOR RELEASE March 24, 2009*

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The New York State Commission on Judicial Conduct has determined that Monroe B. Bishop, a Justice of the Hinsdale Town Court, Cattaraugus County, should be admonished.

In a determination dated March 18, 2009, the Commission found that Judge Bishop, who is not an attorney, should be sanctioned for ruling against the defendant in a summary proceeding for eviction and back rent based upon an improper *ex parte* communication with her lawyer's secretary.

Without prior notice to either party in the case, Judge Bishop went to the office of the defendant's lawyer, spoke to the secretary, drew negative conclusions about the defendant's finances based on uncorroborated hearsay from the secretary and later ruled against the defendant based on that hearsay.

At the last court appearance in the case, Judge Bishop disclosed the *ex parte* communication to all of the parties, but he misleadingly said he had spoken to the lawyer, rather than the secretary, regarding the defendant's finances.

"Although he apparently recognized that he was obligated to disclose his out-of-court conversation, [Judge Bishop's] statement that he had spoken to the attorney, when in fact he had only spoken to the attorney's secretary, compounded the patent unfairness of his reliance on the information he received," the Commission said in its determination.

Judge Bishop was candid and cooperative throughout the Commission's proceedings, acknowledged his misconduct and committed to avoiding such conduct in the future.

The Commission noted in its decision that Judge Bishop was previously admonished for conduct unrelated to the present matter.

Both determinations can be found on the Commission's web site:

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

### **The Commission Proceedings**

Judge Bishop was served with a Formal Written Complaint dated October 6, 2008, containing one charge, and filed an answer dated November 13, 2008.

The Administrator of the Commission and Judge Bishop entered into an Agreed Statement of Facts on February 23, 2009. The parties stipulated that the Commission should make its determination based upon the agreed facts, recommended that Judge Bishop be admonished, and waived further submissions and oral argument.

### **The Commission Determination**

The Commission accepted the Agreed Statement and filed a determination dated March 18, 2009.

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, Judge Karen K. Peters and Judge Terry Jane Ruderman 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 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 Bishop 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 228 judges in New York State, 149 of who were 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 160 judges and has censured 274 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**

Judge Bishop represented himself in the proceedings before the Commission.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, John J. Postel, Deputy Administrator for the Commission's Rochester office, and M. Kathleen Martin, a senior attorney. Investigator Betsy Sampson 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
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Hon. Jill Konviser	Former Governor George E. Pataki	March 31, 2010
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Hon. Terry Jane Ruderman	Former Chief Judge Judith S. Kaye	March 31, 2012
VACANT	Governor David A. Paterson	March 31, 2009