



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*FOR RELEASE December 3, 2009*

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### **New York City Civil Court Judge Admonished for Campaign Misconduct**

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The New York State Commission on Judicial Conduct has determined that Margaret Chan, a Judge of the New York City Civil Court, New York County, should be admonished.

In a determination dated November 17, 2009, the Commission found that Judge Chan's campaign literature misrepresented that she had been endorsed by the *New York Times* and displayed a pro-tenant bias by offering to show how to "beat your landlord...and win in court," and that she improperly solicited campaign contributions while running for Civil Court Judge in Manhattan.

The determination can be found on the Commission's website:  
[www.scjc.state.ny.us](http://www.scjc.state.ny.us).

### **The Commission Proceedings**

Judge Chan was served with a Formal Written Complaint dated January 26, 2009, containing three charges. The Administrator of the Commission, the judge and the judge's attorney entered into an Agreed Statement of Facts on June 18, 2009, stipulating as to the facts and sanction and waiving further submissions and oral argument. The Commission accepted the Agreed Statement on September 23, 2009.

### **The Commission Determination**

The Commission filed its determination on November 17, 2009. Judge Thomas A. Klonek (the Commission Chair), Paul B. Harding, Esq., Elizabeth B. Hubbard, Nina M. Moore, Judge Karen K. Peters and Judge Terry Jane Ruderman concurred.

Stephen R. Coffey, Esq. (the Vice Chair), and Richard D. Emery, Esq. dissented and voted to dismiss the charges. Mr. Emery filed a dissenting opinion.

Joseph W. Belluck, Esq., and Judge Jill Konviser were not present.

### **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 Chan does not request review by the Court of Appeals, the Commission will admonish her 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 236 judges in New York State, 83 of who were full-time judges. The Commission has issued a determination of removal as to 160 judges and has censured 278 judges.

The Court of Appeals has reviewed 90 Commission determinations. The Court accepted the Commission's sanctions in 75 cases (66 of which were removals, 6 were censures and 3 were admonitions). Of the remaining 15 cases, two sanctions were increased from censure to removal, and 13 were reduced: 9 removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed.

### **Counsel**

In the proceedings before the Commission, Judge Chan was represented by Richard Godosky, Esq., Godosky & Gentile, PC, 61 Broadway, Suite 2010, New York, New York 10006, (646) 233-2725.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Staff Attorney Brenda Correa, Esq. 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 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
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**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 President Pro Tem 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
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
Vacant	Assembly Speaker Sheldon Silver	March 31, 2010