



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Madison County Town Justice Admonished for “Serious” Administrative Errors

The New York State Commission on Judicial Conduct has determined that Robert W. Engle, a Justice of the Madison Town Court, Madison County, should be admonished for “serious administrative errors that were prejudicial to the parties and the proper administration of justice.”

In a determination dated November 9, 2009, the Commission found that Judge Engle sent fine notices to three defendants without a trial or guilty plea, sent payment notices to two other defendants who had already paid their fines, and improperly initiated the suspension of defendants’ driver’s licenses in six cases.

The Commission concluded that these errors were “apparently caused by deficiencies in record-keeping and case management.” The Commission noted that as a result of these derelictions, “at least two defendants consulted an attorney; one defendant paid a fine he had already paid; and in each case the defendant had to contact the court to resolve the error in order to avoid further adverse consequences.”

The Commission found that the judge also disqualified himself and his co-justice in two cases without his co-justice's knowledge or consent, and without following the appropriate procedures.

The determination can be found on the Commission's website:

www.scjc.state.ny.us.

The Commission Proceedings

Judge Engle was served with a Formal Written Complaint dated August 3, 2009, containing five charges, and filed an answer dated September 17, 2009.

The Administrator of the Commission and Judge Engle entered into an Agreed Statement of Facts on October 27, 2009, stipulating as to the facts and sanction and waiving further submissions and oral argument. The Commission accepted the Agreed Statement on November 5, 2009.

The Commission Determination

The Commission filed its determination, which was unanimous, on November 9, 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, Judge Jill Konviser, Nina M. Moore, Judge Karen K. Peters and Judge Terry Jane Ruderman concurred.

Prior Discipline

Judge Engle was censured by the Commission in 1997 for using his judicial prestige to assist a defendant who was awaiting sentencing in another court.

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 Engle 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 235 judges in New York State, 153 of who were part-time judges. The Commission has issued a determination of removal as to 160 judges and has censured 277 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 Engle represented himself.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, John J. Postel, Esq., Deputy Administrator for the Commission's Rochester office, and Senior Attorney Kathleen Martin, Esq. 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

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 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