



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

BETH S. BAR
PUBLIC INFORMATION OFFICER

61 BROADWAY
NEW YORK, NEW YORK 10006

646-386-4791 646-458-0037
TELEPHONE FACSIMILE
www.scjc.state.ny.us

NEWS RELEASE

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

Washington County Town Justice Censured for Misconduct Compromising His Impartiality in Several Cases

The New York State Commission on Judicial Conduct has determined that Michael M. Feeder, a Justice of the Hudson Falls Village Court, Washington County, should be censured.

In a determination dated November 18, 2009, the Commission found that Judge Feeder should be sanctioned for engaging in numerous acts of misconduct. In one instance, the judge confronted a motorist and identified himself as a judge, used his judicial power to cause the arrest of the motorist and commented publicly about the case while it was pending.

The judge also had an out-of-court conversation with a defendant's mother who asked him not to sentence the defendant to jail, then sentenced the defendant according to the request; granted an adjournment in contemplation of dismissal in a case without the required consent of the prosecution; and presided over cases

filed by members of the Hudson Falls Police Department without disclosing his close friendship with the Assistant Chief of Police, who in at least one case appeared before the judge personally.

“This series of misdeeds, which are essentially undisputed, shows insensitivity to the high ethical standards required of judges and warrants a severe sanction,” the Commission said in its determination.

The Administrator of the Commission had recommended that Judge Feeder be removed from office. Three Commission members voted for the judge’s removal.

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

www.scjc.state.ny.us.

The Commission Proceedings

Judge Feeder was served with a Formal Written Complaint dated April 19, 2006, containing four charges, and a second Formal Written Complaint dated October 9, 2007, containing one charge.

On January 29, 2008, the Commission granted a summary determination based on the judge’s failure to answer the charges. By stipulation, the parties agreed to vacate the summary determination. A hearing was held before a referee, Michael J. Hutter, Esq., on August 18 and 19, 2008, in Albany. Mr. Hutter filed a report with proposed findings of fact and conclusions of law dated June 29, 2009.

The parties submitted briefs with respect to the referee’s report and the issue of sanctions. The Commission heard oral argument on September 23, 2009.

The Commission Determination

The Commission filed a determination dated November 18, 2009.

Six members concurred as to the sanction of censure: Stephen R. Coffey, Esq. (the Vice Chair), Paul B. Harding, Esq., Elizabeth B. Hubbard, Judge Jill Konviser, Judge Karen K. Peters and Judge Terry Jane Ruderman.

Three members – Judge Thomas A. Klonick (the Commission Chair), Richard D. Emery, Esq. and Nina M. Moore – dissented as to the sanction and voted for the judge’s removal. Mr. Emery wrote a dissenting opinion which Judge Klonick and Ms. Moore joined.

Three members – Mr. Coffey, Ms. Hubbard and Judge Konviser – voted to dismiss

the charge involving Judge Feeder's disposition of a case without the prosecutor's consent.

One member, Joseph W. Belluck, Esq., was 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 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 Judge Feeder does not request review by the Court of Appeals, the Commission will censure 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 censured 278 judges in New York State, 196 of who were part-time judges. The Commission has issued a determination of removal as to 160 judges and has admonished 235 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 Feeder was represented by Lee C. Kindlon, Esq., Kindlon Shanks & Associates, 74 Chapel Street, Albany, New York, 12207, (518) 434-1493.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, Cathleen S. Cenci, Esq., Deputy Administrator for the Commission's Albany office, and Senior Attorney Cheryl L. Randall, Esq., who recently left the Commission for other employment. Senior Investigator David Herr 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

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