



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

Kingston City Court Judge Admonished for Failing to Render Decisions in a Timely Manner

The New York State Commission on Judicial Conduct has determined that James P. Gilpatric, a Judge of the Kingston City Court, Ulster County, should be admonished.

In a determination dated June 5, 2009, the Commission found that Judge Gilpatric failed to render decisions in a timely manner in 47 cases, notwithstanding having been cautioned by the Commission in February 2004 about his delays, and notwithstanding the intervention of his administrative judge and inquiries by litigants.

“We view such delays as serious misconduct because of the adverse consequences on individual litigants, who are deprived of the opportunity to have their claims resolved in a timely manner, and on public confidence in the administration of justice,” the Commission said.

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

www.scjc.state.ny.us.

The Commission Proceedings

Judge Gilpatric was served with a Formal Written Complaint dated August 8, 2008, containing one charge, and filed a verified answer dated September 8, 2008.

The judge moved on September 8, 2008 to dismiss the Formal Written Complaint. The administrator of the Commission opposed the motion on October 6, 2008, and cross-moved for summary determination. The Commission issued a decision and order on December 16, 2008 denying Judge Gilpatric's motion to dismiss and granting the Commission administrator's cross-motion for summary determination.

Each side then submitted memoranda as to sanctions. Commission counsel recommended censure and Judge Gilpatric's attorney recommended a confidential disposition. The Commission heard oral argument on January 28, 2009.

The Commission Determination

The Commission filed a determination dated June 5, 2009. Judge Thomas A. Klönick (the Commission Chair), Stephen R. Coffey, Esq. (the Vice Chair), Richard D. Emery, Esq., Elizabeth B. Hubbard, Marvin E. Jacob, Esq., Judge Jill Konviser, and Judge Terry Jane Ruderman concurred.

Mr. Emery filed a concurring opinion. Paul B. Harding, Esq. dissented only as to sanction and voted that the judge be issued a confidential letter of caution. Joseph W. Belluck, Esq. dissented and voted to dismiss the charge in an opinion. Nina M. Moore and Judge Karen K. Peters did not participate.

Prior Discipline

In 2005 the Commission censured Judge Gilpatric for an episode in which he appeared in court, and took the bench later that day, while under the influence of alcohol.

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 Gilpatric 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 229 judges in New York State, 80 of who were full-time judges. The Commission has issued a determination of removal as to 160 judges and has censured 276 judges.

The Court of Appeals has reviewed 88 Commission determinations. The Court accepted the Commission's sanctions in 74 cases (66 of which were removals). Of the remaining 14 cases, two determinations were increased from censure to removal, and 12 were reduced: 9 removal determinations were modified to censure, two censure determinations were modified to admonition, and one censure was rejected and the charges dismissed.

Counsel

In the proceedings before the Commission, Judge Gilpatric was represented by James E. Long, Esq., 668 Central Avenue, Albany, New York 12206, (518) 458-2444.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Thea Hoeth, Esq., a senior attorney. Investigator Ryan Fitzpatrick 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 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