



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Oswego County Town Justice Censured for Administrative and Financial Mismanagement

The New York State Commission on Judicial Conduct has determined that James H. Ridgeway, a Justice of the Richland Town Court and Acting Justice of the Pulaski Village Court, Oswego County, should be censured.

In a determination dated December 15, 2009, the Commission found that due to poor administrative practices, Judge Ridgeway failed to deposit, report and remit court funds in a timely manner, accumulating a deficiency of approximately \$20,000 over two years. The money was eventually accounted for and there was no evidence of misuse of funds.

The poor administrative practices included Judge Ridgeway's failure to properly supervise the former court clerk, who was also his wife. The Commission noted that the clerk, who resigned from the position in December 2007, had received "minimal, informal" training in her clerical duties and had serious health problems.

“These circumstances should have put [Judge Ridgeway] on notice of potential problems in connection with the performance of the clerk’s responsibilities and should have prompted him to personally review the court’s financial records and to take such other action as necessary to ensure the appropriate handling of court monies,” the Commission said.

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

www.scjc.state.ny.us.

The Commission Proceedings

Judge Ridgeway was served with a Formal Written Complaint dated February 13, 2009, containing four charges, and filed an answer dated March 31, 2009.

The Administrator of the Commission, Judge Ridgeway and the judge’s attorney entered into an Agreed Statement of Facts on September 30, 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 a determination dated December 15, 2009.

Judge Thomas A. Klonek (the Commission Chair), Stephen R. Coffey, Esq. (the Vice Chair), 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.

Joseph W. Belluck, Esq., dissented in an opinion on the basis that the sanction was too harsh and that there should be no public discipline.

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 Ridgeway 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 282 judges in New York State, 199 of who were part-time judges. The Commission has issued a determination of removal as to 160 judges and has admonished 236 judges.

The Court of Appeals has reviewed 91 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 16 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. The Court remitted one matter back to the Commission for further proceedings.

Counsel

In the proceedings before the Commission, Judge Ridgeway was represented by James K. Eby, Esq., 91 West Third Street, Oswego, New York 13126, (315) 342-1773.

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 David M. Duguay, Esq. Senior Investigator Rebecca Roberts 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