



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT
61 BROADWAY
NEW YORK, NEW YORK 10006

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

646-386-4791 646-458-0037
TELEPHONE FACSIMILE

www.scjc.state.ny.us

BETH S. BAR
PUBLIC INFORMATION OFFICER

NEWS RELEASE

FOR RELEASE March 31, 2009

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

The New York State Commission on Judicial Conduct has determined that Walter J. Schurr, a Justice of the Friendship Town Court, Allegany County, should be censured.

In a determination dated March 23, 2009, the Commission found that Judge Schurr, a part-time judge who also works in a local dairy, reduced Speeding charges in five cases without the consent of the prosecutor as required by law, and reduced a Speeding charge in another case based on an *ex parte* (one-sided) out-of-court discussion with a co-worker from the dairy, who was the defendant's neighbor and friend.

The Commission said Judge Schurr's conduct in the latter case constituted ticket-fixing and "conveyed the appearance that the lenient disposition accorded to this defendant was based not on the merits of the case, but on the fact that the defendant had a friend who knew the judge." The Commission noted that, as to the other five cases, Judge Schurr had no relationship with the defendants.

The Commission noted that at the time of these cases, Judge Schurr was new to the bench and believed erroneously that it was his responsibility to negotiate pleas as a way of disposing of contested traffic charges.

The determination can be found on the Commission's web site:
www.scjc.state.ny.us.

The Commission Proceedings

Judge Schurr was served with a Formal Written Complaint dated September 9, 2008 containing two charges, and filed an answer dated October 22, 2008.

The Administrator of the Commission, Judge Schurr's attorney and Judge Schurr entered into an Agreed Statement of Facts on January 20, 2009 pursuant to which the parties agreed that the Commission should make its determination based upon the agreed facts, recommended that the judge be censured and waived further submissions and oral argument.

The Commission accepted the Agreed Statement on March 12, 2009.

The Commission Determination

The Commission filed a determination dated March 23, 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, Marvin E. Jacob, Esq., Judge Jill Konviser, Judge Karen K. Peters, and Judge Terry Jane Ruderman concurred.

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 Schurr 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 275 judges in New York State, 194 of them town or village justices. (More than two-thirds of the judiciary in New York State are part-time.) The Commission has issued a determination of removal as to 160 judges and has admonished 228 judges.

The Court of Appeals has reviewed 88 Commission determinations. The Court accepted the Commission's sanctions in 74 cases. Of the remaining 14 cases, two were increased from censure to removal, and twelve were reduced: nine 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 Schurr was represented by David T. Pullen, Richardson & Pullen, P.C., 21 Minard Street, Fillmore, New York 14735, (585) 567-2222.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, John J. Postel, Deputy Administrator for the Commission's Rochester office, and David M. Duguay, a senior attorney. 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 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.	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
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	Governor David A. Paterson	March 31, 2009