



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT
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NEWS RELEASE

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The New York State Commission on Judicial Conduct has determined that Joan E. Shkane, a Judge of the Family Court, Oneida County, should be admonished. Judge Shkane stipulated to the result.

In a determination dated December 29, 2008, the Commission found that Judge Shkane improperly threatened to hold the Oneida County Child Advocacy Center and two police investigators in contempt after the investigators took the father in a child neglect case into custody on child welfare and sexual abuse charges while he was in the courtroom's waiting area during a pre-hearing conference. The judge telephoned the Center, demanded that the officers return to the court under threat of contempt, engaged in an "angry, lengthy harangue" and threatened contempt again and repeatedly told the officers that they faced 30 days in jail and a \$1,000 fine.

In mitigation, Judge Shkane did not act on her threat, did not actually conduct a contempt proceeding or hold the officers in contempt, acknowledged the impropriety of her conduct and agreed to attend a judicial education and training program on the law of contempt.

The Commission Proceedings

Judge Shkane was served with a Formal Written Complaint dated August 7, 2008, containing one charge. The Administrator of the Commission and Judge Shkane entered into an Agreed Statement of Facts on December 4, 2008, stipulating that

the Commission make its determination based on the agreed facts, recommending that the judge be admonished, and waiving further submissions and oral arguments.

The Commission accepted the Agreed Statement on December 11, 2008.

The Commission Determination

The Commission filed a determination dated December 29, 2008. Judge Thomas A. Klonick, the Commission's chair, Stephen R. Coffey, Esq., the Commission's vice chair, Paul B. Harding, Esq., and members Elizabeth B. Hubbard, Marvin E. Jacob, Esq., Judge Jill Konviser, Judge Karen E. Peters, and Judge Terry Jane Ruderman concurred.

One member, Joseph W. Belluck, Esq., dissented and voted to reject the Agreed Statement on the basis that the proposed disposition was too lenient.

Another member, Richard D. Emery, Esq., dissented and voted to reject the Agreed Statement on the basis that the proposed disposition is too harsh.

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 the date he received the determination, 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 Shkane 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 227 judges in New York State, including 79 full-time judges. (More than two-thirds of the judiciary are part-time

judges). The Commission has also issued a determination of removal as to 158 judges and has censured 272 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 Shkane represented herself. Robert H. Tembeckjian, Administrator and Counsel to the Commission, Cathleen S. Cenci, Deputy Administrator for the Commission's Albany office, and Thea Hoeth, a senior attorney, served as counsel to the Commission. 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

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Hon. Thomas A. Klonick, Chair	Former Chief Judge Judith S. Kaye	March 31, 2009
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.	Senate Minority Leader Malcolm A. Smith	March 31, 2012
Paul B. Harding, Esq.	Assembly Minority Leader James Tedisco	March 31, 2009
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