



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Troy City Court Judge Admonished for Failing to Issue Decisions in a Timely Manner

The New York State Commission on Judicial Conduct has determined that Matthew J. Turner, a Judge of the Troy City Court, Rensselaer County, should be admonished.

In a determination dated June 30, 2009, the Commission found that in 29 cases Judge Turner failed to render decisions in a timely manner and in some cases failed to report the delays to his administrative judge as required by law.

In eight matters, the judge failed to render judgments within 30 days, as required by law. His decisions in these cases were issued from six months to 27 months after final submission; in two of these cases, the delays were more than two years. In addition, in 21 cases, Judge Turner failed to issue decisions on motions within the required 60 days; the delays ranged from two months up to six years.

The Commission said Judge Turner “compounded his misconduct” by not reporting ten of the delayed matters as required to his administrative judge. Judges are required to report all delayed matters on a quarterly basis. The Commission said this omission was significant since it prevented court administrators from assessing the reasons for the delay and taking appropriate action.

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

The Commission Proceedings

Judge Turner was served with a Formal Written Complaint dated March 3, 2009, containing two charges, and filed a verified answer dated March 11, 2009. The Administrator of the Commission, the judge’s attorney and Judge Turner entered into an Agreed Statement of Facts on April 15, 2009, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on May 14, 2009.

The Commission Determination

The Commission filed a determination dated June 30, 2009. Judge Thomas A. Klonick (the Commission Chair), Joseph W. Belluck, Esq., Paul B. Harding, Esq., Elizabeth B. Hubbard, Marvin E. Jacob, Esq., Judge Jill Konviser, Nina M. Moore, and Judge Terry Jane Ruderman concurred.

Richard D. Emery, Esq., and Judge Karen K. Peters dissented; the two members voted to reject the Agreed Statement on the basis that the stipulated facts were insufficient for the Commission to make a determination.

Stephen R. Coffey, Esq. (the Vice Chair), 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 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 Turner 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 230 judges in New York State, 81 of who were full-time judges or part-time City Court judges (Judge Turner serves part-time). The Commission has issued a determination of removal as to 160 judges and has censured 277 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 Turner was represented by Peter J. Moschetti, Jr., Esq., Anderson, Moschetti & Taffany, PLLC, 26 Century Hill Drive, Suite 206, Latham, New York 12110, (518)785-4900.

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