



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Former Saratoga County Family Court Judge Removed from Office for Violating Litigants' Constitutional and Statutory Rights and for Making Inappropriate Sexual Comments

The New York State Commission on Judicial Conduct has completed formal proceedings against Gilbert L. Abramson, a Judge of the Family Court, Saratoga County, who resigned from office last month while formal disciplinary charges were pending against him.

The Commission determined that Judge Abramson should be removed from office for repeatedly incarcerating Family Court litigants while denying them such fundamental rights as the right to be represented by counsel and the right to a hearing. In four separate cases, litigants served for periods ranging from 21 days to 268 days in jail after the judge failed to comply with the appropriate constitutional and statutory mandates.

The Commission decision is dated October 26, 2010. Removal renders a judge ineligible to hold judicial office in the future.

Judge Abramson committed these acts of misconduct despite having received a prior caution from the Commission for failing to advise litigants of the right to counsel.

“The record in its totality demonstrates [Judge Abramson’s] profound disregard for the rule of law and his continuing insensitivity to the overriding importance of protecting the rights of litigants despite the Commission’s cautionary warning and despite his assurances that he ‘dramatically changed’ his practices after that warning,” the Commission said in its determination.

The judge compounded this misconduct by making “egregious and inexcusable” comments of a sexual nature on two separate occasions to a litigant in Saratoga County Family Treatment Court.

“His gratuitous remarks, which were prompted by an innocuous caricature on a litigant’s T-shirt, were ribald and replete with sexual innuendo,” the Commission said. By making these comments about the “benign and non-sexual” image, Judge Abramson violated his obligation to be the exemplar of dignity and decorum in the courtroom and to treat those who appear in the court with courtesy and respect.

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

The Commission Proceedings

Judge Abramson was served with a Formal Written Complaint dated June 17, 2008, containing seven charges, and filed an Answer dated December 3, 2008. The Commission designated Paul A. Feigenbaum, Esq., as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on March 9, 2009, in Albany, and the referee filed a report on July 21, 2009.

The judge was served with a second Formal Written Complaint dated July 7, 2009, containing three charges, and filed an Answer dated July 20, 2009. The Commission designated Philip C. Pinsky, Esq., as referee to hear and report in that matter. A hearing was held in Albany on December 2, 7 and 8, 2009, and January 12 and 13 and March 2, 2010. The referee filed a report dated June 28, 2010.

The parties submitted briefs with respect to the referee’s reports and the issue of sanctions. Commission counsel recommended the judge’s removal, and the

judge's attorney opposed the recommendation. Oral argument was waived, and the Commission considered the record of the proceedings on September 29, 2010.

The Commission Determination

The Commission filed a determination dated October 26, 2010, which was unanimous.

Judge Thomas A. Klonick (the Commission Chair), Stephen R. Coffey, Esq. (the Vice Chair), Judge Rolando T. Acosta, Joel Cohen, Esq., Richard D. Emery, Esq., Elizabeth B. Hubbard, Nina M. Moore, Judge Karen K. Peters, and Judge Terry Jane Ruderman concurred.

Joseph W. Belluck, Esq., and Paul B. Harding, Esq., were 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 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 Abramson does not request review by the Court of Appeals, the Court of Appeals will remove 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 issued 161 determinations of removal against judges in New York State. The Commission has issued 288 determinations of censure and 240 determinations of admonition.

The Court of Appeals has reviewed 91 Commission determinations. The Court accepted the Commission's sanctions in 75 cases (66 of which were removals, six

were censures and three 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 to the Commission for further proceedings.

Counsel

In the proceedings before the Commission, Judge Abramson was represented by Robert P. Roche, Esq., 36 South Pearl Street, Albany, New York 12207, (518) 436-9370.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Senior Attorneys Jill S. Polk, Esq., and Thea Hoeth, Esq. 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, Suite 1200
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
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2014
Joseph W. Belluck, Esq.	Governor David A. Paterson	March 31, 2012
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2014
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