



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Judicial Conduct Commission Releases 2010 Annual Report, Recommends Greater Role for State High Court, and Public Disciplinary Proceedings, in Conduct Cases

The Court of Appeals, New York State's highest court, should have the authority to review any public discipline imposed by the State Commission on Judicial Conduct, not just those in which the disciplined judge requests review. This is a recommendation in the Commission's 2010 Annual Report, released today.

The Commission may render decisions to admonish, censure or remove a judge from office for misconduct or retire a judge for disability.

"Under present law, if the disciplined judge chooses to accept [the Commission's] determination, the Court of Appeals cannot review it, even if it disagrees with the Commission's decision," the Commission said. "While one might speculate as to whether the Court, on its own motion, would be inclined to review many or any of the Commission's 25 or so determinations each year, authorizing it to do so would affirm the principle that the state's highest court is the ultimate authority on matters of judicial discipline." (See page 20 of the Report.)

Robert H. Tembeckjian, the Commission's Administrator, pointed out that in the vast majority of states, the highest court has authority to review a judicial commission's decisions. "New York should be no different," he said. "While it may be unusual for a government agency to encourage review of its decisions by a higher authority, the Commission believes this proposal promotes the public policy of checks-and-balances and the independence of the judiciary."

The Commission also recommends, as it has in previous annual reports, that formal disciplinary proceedings against judges be open to the public (as they are in 35 other states), and that suspension from office be added to the sanctions the Commission may impose. The Report notes that legislation recently introduced by Senator John L. Sampson calls for judicial disciplinary proceedings to be public. (See pages 17-20 of the Report.)

The 2010 Report documents the Commission's work in 2009. To promote environmental and financial responsibility, the Commission has produced the report in CD rather than paper format. The Report is also available on the Commission's website, www.scjc.state.ny.us.

The Commission is the state agency responsible for investigating complaints of misconduct against judges of the state unified court system and, where appropriate, disciplining such judges for violations of the Rules Governing Judicial Conduct.

ALSO IN THE REPORT:

• STATISTICAL HIGHLIGHTS

- 1,855 complaints received in 2009 – the second highest number ever, after last year's 1,923.
- 5,489 complaints received since 2007 – 878 more than in any other 3-year period.
- 471 preliminary inquiries conducted in 2009, the most ever, up from 354 last year.
- 257 new investigations authorized in 2009 -- the third highest ever.¹

¹ The highest number of new investigations was 267 in 2006.

- 25 public decisions rendered in 2009, up from 21 last year:
 - 2 Removals from office
 - 10 Public Censures
 - 9 Public Admonitions
 - 4 public stipulations in which judges under investigation or formal charges agreed to leave the bench and not to hold judicial office in the future
- The Court of Appeals accepted one of the Commission's Removals, modified the other, and remitted one Admonition to the Commission for further proceedings.
- 19 judges resigned while under investigation or while formal charges were pending.
- 47 confidential cautionary letters were issued, up from 37 last year.
- 243 matters were pending at year's end.

- **BUDGET**

The Legislature's commitment in 2007 to increase the Commission's resources, in order to cope with a steadily growing caseload and backlog, led to the first meaningful staff expansion in more than a generation, a reduction in the backlog of cases, and an ability to stay on top of the still-increasing caseload.

At the same time, in light of the severe economic crisis affecting the state and nation, the Commission has done its part by carefully managing its budget, capping its staff at 48 rather than the allotted 55, and making other significant sacrifices.

- **1975-2009 STATISTICS**

Since 1975, the Commission has received 41,312 complaints and conducted 7,589 investigations. Through 2009, 716 judges were publicly disciplined for judicial misconduct, including 158 who were removed from office. In addition, 1,406 judges have been confidentially cautioned, and 440 resigned while under investigation or formal charges.

• **ADDITIONAL OBSERVATIONS AND RECOMMENDATIONS**

The Report also addresses the following additional topics:

- Public court proceedings and records (pp. 21-22); and
- Training for town and village court clerks (pp. 22-23).

WEBSITE & OFFICE ADDRESSES

The 2010 Annual Report and other information about the Commission is available at its website: www.scjc.state.ny.us

The Commission's offices are located at the following addresses:

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
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2014
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
Nina M. Moore	Governor David A. Paterson	March 31, 2013
Hon. Karen K. Peters	Governor David A. Paterson	March 31, 2014
Hon. Terry Jane Ruderman	Former Chief Judge Judith S. Kaye	March 31, 2012
Vacant	Assembly Speaker Sheldon Silver	March 31, 2014