



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Ossining Village Justice Admonished for Lengthy Delays in Scheduling Traffic Cases

The New York State Commission on Judicial Conduct has determined that Raymond R. Barlaam, a Justice of the Ossining Village Court, Westchester County, should be admonished.

In a determination dated March 15, 2010, the Commission found that Judge Barlaam maintained a policy of scheduling trials in traffic cases based solely on when the issuing police officers would be available, resulting in lengthy delays in more than 500 cases.

As a result of Judge Barlaam's scheduling practices, cases "languished without resolution in his court for as long as five years and five months," the Commission said in its determination. The judge's procedures, which were intended to reduce police overtime costs, "created a bias and/or appearance of bias" in favor of the police department and erode public confidence in the fair and prompt administration of justice, the Commission concluded.

The Commission noted that, as a result of its inquiry, the judge now “calendars all matters in a timely fashion” and has disposed of “virtually all” of the delayed cases.

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

The Commission Proceedings

Judge Barlaam was served with a Formal Written Complaint dated July 15, 2009, containing one charge, and filed a verified Answer on September 18, 2009.

The Administrator of the Commission and the judge entered into an Agreed Statement of Facts on February 24, 2010, stipulating as to the facts and sanction and waiving further submissions and oral argument. The Commission accepted the Agreed Statement on March 4, 2010.

The Commission Determination

The Commission filed a determination dated March 15, 2010. 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, Judge Jill Konviser, Nina M. Moore and Judge Terry Jane Ruderman concurred. Judge Karen K. Peters 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 Barlaam 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 238 judges in New York State. The Commission has issued a determination of removal as to 160 judges and has censured 282 judges.

The Court of Appeals has reviewed 91 Commission determinations. The Court accepted the Commission's sanctions in 75 cases (66 of which were removals, 6 were censures and 3 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 Barlaam, who is an attorney, represented himself.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Staff Attorney Brenda Correa, Esq. Senior Investigator Margaret Corchado 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 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
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
Vacant	Assembly Speaker Sheldon Silver	March 31, 2010