



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Erie County Town Justice Censured for Threatening Not to Preside Unless He Received a Raise

The New York State Commission on Judicial Conduct has determined that Norman J. Peters, a Justice of the Collins Town Court, Erie County, should be censured.

In a determination dated October 6, 2010, the Commission found that Judge Peters should be sanctioned for threatening not to preside over court dates scheduled by his former co-justice, who had retired, unless he received additional pay. He also said he would direct his clerk to inform defendants who appeared that their cases were dismissed.

The judge, who is not an attorney, made this threat at a November 3, 2008 town board meeting, which was open to the public. After the judge's threat, the Town Board authorized additional compensation for the judge.

“By making such statements at an open meeting of the Town Board, which was attended by the media and the public, [Judge Peters] undermined public

confidence not only in the integrity and impartiality of his court, but in the judiciary as a whole,” the Commission said. “There is no justification for refusing to discharge one’s judicial duties as a tactic to achieve a pay raise, and even threatening to do so cannot be condoned.”

The Commission said it was significant that the judge threatened to direct the dismissal of cases if the defendants appeared, even though the town attorney had told him that he could not dismiss cases without a proper legal basis.

In mitigation, the Commission noted that Judge Peters, who has an “otherwise unblemished record in 24 years of service as a judge,” did in fact appear for all of the court dates scheduled by his former co-justice.

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

The Commission Proceedings

Judge Peters was served with a Formal Written Complaint dated February 11, 2010, containing one charge, and filed an answer dated April 3, 2010.

On July 17, 2010, the Administrator of the Commission, Judge Peters and the judge’s attorney entered into an Agreed Statement of Facts, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on September 29, 2010.

The Commission Determination

The Commission filed a determination dated October 6, 2010.

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., Nina M. Moore, Judge Karen K. Peters, and Judge Terry Jane Ruderman concurred.

Elizabeth B. Hubbard dissented and voted to reject the Agreed Statement on the basis that the proposed disposition was too harsh.

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 Peters does not request review by the Court of Appeals, the Commission will censure 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 censured 285 judges in New York State. The Commission has issued a determination of removal as to 160 judges and has admonished 238 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, 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 Peters was represented by Michael M. Mohun, Esq., 344 Kern Road, Cowlesville, New York 14037, (585) 937-8987.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Senior Attorney David M. Duguay, Esq. Senior Investigator Rebecca Roberts 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
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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
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2014
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