



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

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### **Tompkins County Town Justice Censured for Intervening in His Son's Case**

The New York State Commission on Judicial Conduct has determined that Gary P. Allen, a Justice of the Newfield Town Court, Tompkins County, should be censured for intervening in a case involving his son's complaint that a hunter had trespassed on his property.

Judge Allen contacted the local Department of Environmental Conservation Officer handling the matter and arranged for the case to be brought before him. He then arraigned the defendant, accepted a guilty plea and transferred the case to his co-judge for sentencing, with a note suggesting that a fine be imposed.

The Commission determination states: "From start to finish, [Judge Allen's] conduct seemed calculated to ensure that his son's complaint would result in the defendant being charged by the DEC and that [he] would have control over the outcome of the case. As an experienced judge, [he] should have recognized that his conduct was improper."

The Commission said that Judge Allen's conduct was "patently improper" since, under the ethical standards, the judge "was obliged to refrain from any involvement" in his son's case "and, in particular, to avoid any conduct that used or appeared to use his judicial prestige to advance his son's private interests."

The determination can be found on the Commission's website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

### **The Commission Proceedings**

Judge Allen was served with a Formal Written Complaint dated April 14, 2010, containing two charges, and filed an answer dated May 6, 2010.

On October 21, 2010, the Administrator of the Commission, Judge Allen and the judge's attorney entered into an Agreed Statement of Facts, stipulating as to the facts, recommending that the judge be censured, and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on November 4, 2010, and determined that the judge should be censured.

### **The Commission Determination**

The Commission filed a determination dated January 4, 2011. Judge Thomas A. Klönick (the Commission Chair), Judge Rolando T. Acosta, Joel Cohen, Esq., Richard D. Emery, Esq., Paul B. Harding, Esq., Nina M. Moore, Judge Karen K. Peters, and Judge Terry Jane Ruderman concurred.

Stephen R. Coffey, Esq. (the Vice Chair), Joseph W. Belluck, Esq., and Elizabeth B. Hubbard dissented and voted to reject the Agreed Statement on the basis that the proposed disposition was too harsh. Mr. Belluck filed an opinion in which Mr. Coffey and Ms. Hubbard joined.

### **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 Allen 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 issued 290 determinations of censure against judges in New York State. The Commission has issued 161 determinations of removal 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 Allen was represented by John Alden Stevens, Esq., Williamson, Clune & Stevens, 317 North Tioga Street, Ithaca, New York 14850, (607) 273-3339.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Senior Attorney David M. Duguay, Esq. Investigator Vanessa Mangan 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**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
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.	Former 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	Former Governor David A. Paterson	March 31, 2011
Nina M. Moore	Former Governor David A. Paterson	March 31, 2013
Hon. Karen K. Peters	Former Governor David A. Paterson	March 31, 2014
Hon. Terry Jane Ruderman	Former Chief Judge Judith S. Kaye	March 31, 2012