



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Judicial Conduct Commission Reports Record Number of Complaints in 2010, Renews Call for Legislation to Make Its Proceedings Public

The New York State Commission on Judicial Conduct received and processed 2,025 complaints in 2010 – a record number. There were 170 more than in 2009 and 102 more than the previous high of 1,923 in 2008.

The Commission has also renewed its call for legislation to make its formal disciplinary proceedings open to the public, as they are in 35 other states, and as they were in New York until the law was changed in 1978.

The Commission is the New York State agency responsible for investigating complaints of misconduct against judges of the state unified court system and, where appropriate, disciplining such judges for ethics violations. Statistics and recommendations for 2010 are among the matters reported in the Commission's most recent Annual Report, which is available online at www.cjc.ny.gov.

*April 19, 2011***Statistics**

In addition to the record number of incoming complaints:

- 439 preliminary inquiries were conducted
- 225 full-fledged investigations were authorized
- 15 public decisions were rendered:
 - 1 Removal from office
 - 7 Public Censures
 - 5 Public Admonitions
 - 2 Public Stipulations in which judges agreed to leave and never again hold judicial office
- 14 judges resigned during Commission proceedings
- 36 confidential cautionary letters were issued
- 226 matters were pending at year's end

Commission Administrator Robert H. Tembeckjian said: "While no single-year statistics tell the whole story, the numbers for 2010 are about average for the last five years."

The following charts are illustrative.

General Statistics, Judicial Conduct Commission, 2001-2010			
	2006	2010	5-Year Average
Complaints	1,500	2,025	1,803
Initial Inquiries	375	439	410
Investigations	267	225	240
Public Decisions	14	15	20
Pending Year-End	275	226	238

The ratio of public disciplines in 2010 between part-time town and village justices and full-time judges of higher courts, and between judges who have law degrees and those who do not, was also about average, as the following chart illustrates.

April 19, 2011

Public Decisions Rendered by the Judicial Conduct Commission, 2006-2010			
	Town & Village Court Justices		All Other Judges (All Are Lawyers)
	Lawyer	Non-Lawyer	
2006	0	10	4
2010	1	10	4
5-Year Average	1	12	7
5-Year Total	6	61	34

There are approximately 3,500 judges in the state unified court system. Town and village court justices comprise about 65% of the state's judiciary, and in the last five years they accounted for 66% of the Commission's public disciplines.

Public Proceedings

The Commission renewed its call for legislation that would open its proceedings to the public when formal disciplinary charges are filed against a judge. Such proceedings are public in 35 other states, as they were in New York until the law was changed in 1978.

"It may be unusual for a government agency to invite more scrutiny of its work," said Commission Administrator Robert H. Tembeckjian, "but that has been the Commission's unwavering position for more than three decades."

As stated in its Annual Report: "Judges are public officials, and the Commission is a public agency. Not only does the public have a right to know when formal charges have been preferred by a prosecuting authority against a public official, but the prosecuting entity is more likely to exercise its power wisely if it is subject to public scrutiny." (See page 16 of the Report.)

Also in the Report

The Commission again recommends that suspension from office be added to the sanctions it may impose (pp. 17-19 of the Annual Report).

The Commission calls attention to a traffic diversion program in some upstate counties that raises concerns (pp. 20-21 of the Annual Report).

April 19, 2011

The Commission notes a recent change in the law regarding the setting of an “appearance date” for those who plead not guilty by mail to traffic violations (p. 20 of the Annual Report).

The Commission recommends that the Office of Court Administration consider requiring that all criminal courts record arraignments, as all town and village courts are now required to do (pp. 21-22).

Website and Office Addresses

The Annual Report is available on the Commission’s website: www.cjc.ny.gov. The Commission’s offices are located at the following addresses:

61 Broadway
Suite 1200
New York, NY 10006

Corning Tower, Suite 2301
Empire State Plaza
Albany, NY 12223

400 Andrews Street
Suite 700
Rochester, NY 14604

Commission Members in 2010

There are 11 members of the Commission on Judicial Conduct. Members serve 4-year terms and are eligible for re-appointment.

The following individuals served on the Commission in 2010:

Hon. Thomas A. Klonick, Chair
Stephen R. Coffey, Esq., Vice Chair (term ended March 31, 2011)
Hon. Rolando T. Acosta (term commenced April 1, 2010)
Joseph W. Belluck, Esq.
Joel Cohen, Esq. (term commenced April 1, 2010)
Richard D. Emery, Esq.
Paul B. Harding, Esq.
Elizabeth B. Hubbard (term ended March 31, 2011)
Hon. Jill Konviser (term ended March 31, 2010)
Nina M. Moore
Hon. Karen K. Peters
Hon. Terry J. Ruderman

There are currently two vacancies on the Commission – one to be filled by the Governor, and one to be filled by the President Pro Tem of the State Senate.