



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

FOR RELEASE April 11, 2011

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Delaware County Town Justice Removed from Office for Financial Misconduct and for Improprieties Related to Traffic Violations

The New York State Commission on Judicial Conduct has determined that Edie M. Halstead, a Justice of the Davenport Town Court, Delaware County, should be removed from office for failing to deposit and remit court funds in a timely manner, for filing false and/or inaccurate financial reports with the State Comptroller and for engaging in impropriety with respect to various traffic violations with which she was charged.

Judge Halstead's failure to deposit court funds in a timely manner resulted in a cumulative deficiency of as much as \$5,098.05 in the court's bank account, and her reports to the State Comptroller were inaccurate and incomplete. The reports failed to disclose over \$2,200 in court funds she had collected.

The reports Judge Halstead prepared as court clerk for the final two months of her predecessor's term were similarly deficient. In the final months of her tenure as clerk, she deposited \$1,248 of her own money into the court account in order to cover the deficiency.

Judge Halstead compounded this misconduct by acting improperly with respect to a series of traffic violations. She failed to appear in court in response to a summons; failed to pay fines and surcharges imposed for two traffic violations, resulting in her license being suspended; failed to maintain vehicle liability insurance; and was convicted of a misdemeanor for driving with a suspended license.

“In its totality, [Judge Halstead’s] conduct shows a pervasive disregard for the ethical and administrative responsibilities of her judicial office, which establishes that she is unfit to serve as a judge,” the Commission said in its determination.

Judge Halstead resigned from office on October 1, 2010. Removal renders a judge ineligible to hold judicial office in the future.

The determination can be found on the Commission’s website: www.cjc.ny.gov.

The Commission Proceedings

Judge Halstead was served with a Formal Written Complaint dated August 10, 2010, containing four charges, and filed an answer dated October 1, 2010.

After a motion for summary determination, the Commission determined on December 8, 2010, that the charges were sustained and that the judge’s misconduct was established. The Commission’s Administrator then recommended that the judge be removed from office. No papers on the issue of sanction were received from Judge Halstead.

The Commission Determination

The Commission filed a determination dated January 27, 2011. Judge Thomas A. Klonick (the Commission Chair), Stephen R. Coffey, Esq. (the Vice Chair), Joel Cohen, Esq., Richard D. Emery, Esq., Elizabeth B. Hubbard, Judge Karen K. Peters and Judge Terry Jane Ruderman concurred.

Judge Rolando T. Acosta, Joseph W. Belluck, Esq., and Paul B. Harding, Esq., dissented as to the sanction and voted that the matter be closed in view of Judge Halstead’s resignation. Nina M. Moore was not present.

By law, a Commission determination may not become public until it is both filed with the Court of Appeals and served upon the disciplined judge. Service upon

Judge Halstead by certified mail was not successful; the judge was personally served with the Commission determination on April 5, 2011.

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 Halstead does not request review by the Court of Appeals, the Court of Appeals will remove her 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 162 determinations of removal against judges in New York State. The Commission has issued 292 determinations of censure 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 Halstead represented herself.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Senior Attorney Thea Hoeth, Esq. Senior

Investigator Donald R. Payette and Investigator Ryan T. Fitzpatrick assisted in the investigation.

Members of the Commission

The Commission members serve four-year terms. The members are listed below.

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, Suite 700 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.	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