



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

BETH S. BAR  
PUBLIC INFORMATION OFFICER

61 BROADWAY  
NEW YORK, NEW YORK 10006

646-386-4791 646-458-0037  
TELEPHONE FACSIMILE  
www.scjc.state.ny.us

## NEWS RELEASE

*FOR RELEASE April 25, 2011*

<i>Contacts:</i>	<i>Robert H. Tembeckjian, Administrator (646) 386-4800</i>
	<i>Beth S. Bar, Public Information Officer (646) 386-4791</i>

### **Suffolk County Village Justice Admonished for Misconduct Relating to His Legal Practice**

---

The New York State Commission on Judicial Conduct has determined that Robert A. Kelly, Jr., a Justice of the Westhampton Beach Village Court, Suffolk County, should be admonished for the following:

- As a part-time judge who also practices law at Kelly & Hulme in Westhampton Beach, Judge Kelly failed to avoid conflicts and the appearance of conflicts, in that he represented private clients in matters that came before the Westhampton Beach Building and Zoning Department, an agency in his court's jurisdiction.
- Judge Kelly permitted his name to appear on legal papers filed by his law firm against Westhampton Beach, thereby placing "the prestige of judicial office and the private interests of the judge and the judge's law firm in direct conflict with the interests of the municipality where [he] sits."

- Although a judge may not directly or indirectly contribute to a political organization, Judge Kelly failed to prevent his law firm from making \$925 in political contributions.

“[Judge Kelly’s] conduct showed inattention to his ethical responsibilities and, in particular, to the special ethical obligations of judges who are permitted to practice law,” the Commission said in its determination.

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

### **The Commission Proceedings**

Judge Kelly was served with a Formal Written Complaint dated July 19, 2010, containing four charges, and filed an answer dated September 8, 2010.

On March 10, 2011, the Administrator of the Commission, Judge Kelly 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 March 17, 2011.

### **The Commission Determination**

The Commission filed a determination dated March 31, 2011. Judge Thomas A. Klönick (the Commission Chair), Stephen R. Coffey, Esq. (the Vice Chair), Judge Rolando T. Acosta, Joseph W. Belluck, Esq., Paul B. Harding, Esq., Elizabeth B. Hubbard, Nina M. Moore, Judge Karen K. Peters, and Judge Terry Jane Ruderman concurred. Two members, Joel Cohen, Esq., and Richard D. Emery, Esq. did not participate.

### **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 Kelly 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 issued 241 determinations of admonition against judges in New York State. The Commission has issued 162 determinations of removal and 292 determinations of censure.

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 Kelly was represented by Paul Shechtman, Esq., Stillman, Friedman & Shechtman, P.C., 425 Park Avenue, New York, New York 10022, (212) 223-0200.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Edward Lindner, Esq., Deputy Administrator for Litigation. Investigator Ethan Beckett 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