



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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St. Lawrence County Town Justice Admonished for Regularly Holding Court in a Non-Public Setting

The New York State Commission on Judicial Conduct has determined that John W. Riordan a Justice of the Gouverneur Town Court, St. Lawrence County, should be admonished for regularly holding court in his chambers, rather than in the courtroom, for approximately seven years.

The Commission found that Judge Riordan's chambers contained no space for members of the public to observe the proceedings, which violated a statutory requirement that court proceedings be public.¹

The Commission said that Judge Riordan compounded this misconduct by "inexplicably" continuing to hold court in his chambers even after: (1) he was advised on several occasions that court proceedings should take place in the courtroom, (2) he attended a court-sponsored training session where the issue was

¹ Section 4 of the New York State Judiciary Law requires that, with limited exceptions, the "sittings of every court within this state shall be public, and every citizen may freely attend the same...."

addressed and (3) he acknowledged to his court clerks that court proceedings should take place in the courtroom.

The judge changed his policy and began to conduct court proceedings in the courtroom only after a Commission investigator visited his court in July 2010.

“The totality of these circumstances establishes that by conducting court proceedings in his chambers, [Judge Riordan] effectively excluded members of the public and thereby violated the statutory mandate...and his ethical obligation to be faithful to the law,” the Commission said in its determination. “At the very least, the public nature of court proceedings was severely compromised, which impairs public confidence in the fair and proper administration of justice.”

The Commission noted that Judge Riordan had been cautioned in 2002 and 2005 for unrelated misconduct.

Judge Riordan has been a Justice of the Gouverneur Town Court since January 1996. His current term expires December 31, 2013. He is not an attorney.

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

The Commission Proceedings

Judge Riordan was served with a Formal Written Complaint dated July 5, 2011, containing one charge, and filed an answer dated July 27, 2011.

On September 19, 2011, the Administrator of the Commission, Judge Riordan 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 November 3, 2011.

The Commission Determination

The Commission filed a determination dated November 9, 2011. Judge Thomas A. Klonick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Judge Rolando T. Acosta, Joel Cohen, Esq., Richard D. Emery, Esq., Paul B. Harding, Esq., Nina M. Moore, Judge Karen K. Peters and Richard A. Stoloff, Esq., concurred.

Commission Member Joseph W. Belluck, Esq., was 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 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 Riordan 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 243 determinations of admonition against judges in New York State. The Commission has issued 163 determinations of removal and 294 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 Riordan was represented by Frederick E. Paddock, Esq., 123 E. Main Street, Gouverneur, New York 13642, (315) 287-7057.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Staff Attorney S. Peter Pedrotty, Esq. Senior Investigator Donald R. Payette 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 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
Hon. Terry Jane Ruderman, Vice Chair	Former Chief Judge Judith S. Kaye	March 31, 2012
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
Nina M. Moore	Former Governor David A. Paterson	March 31, 2013
Hon. Karen K. Peters	Former Governor David A. Paterson	March 31, 2014
Richard A. Stoloff, Esq.	Senate President Pro Tem Dean Skelos	March 31, 2015
Vacant	Governor	March 31, 2015