



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

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### **Oswego City Court Judge Censured for Acting as an Attorney in His Own Court**

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The New York State Commission on Judicial Conduct has determined that P. Michael Shanley, a Judge of the Oswego City Court, Oswego County, should be censured for acting as an attorney in four cases in the Oswego City Court.

Judge Shanley practices law at the Shanley Law Offices, which maintains offices in Oswego and Mexico, New York. After being appointed as a part-time judge in December 2007, Judge Shanley was advised to dispose of any outstanding matters he had pending in Oswego City Court. Instead, he continued to provide legal services to one client with a pending Oswego City Court case, and became involved in three additional matters in that court. Judge Shanley did not physically appear in court or receive payment for his services in these cases.

The Commission said in its determination that Judge Shanley “failed to ensure that his judicial duties took precedence over his private practice of law and failed to conduct his private practice of law in a manner compatible with his judicial office.” The Commission also said the judge’s involvement was “inconsistent

with the statutory and ethical mandates” prohibiting him from practicing in his own court, notwithstanding that he did not get paid or make a physical appearance.

“Those restrictions provide no exception for anonymous legal assistance or even uncompensated activity,” the Commission said. “Every lawyer-judge has a responsibility to learn about and scrupulously adhere to the applicable restrictions on the practice of law in order to avoid conduct that may create an appearance of impropriety and impugn the integrity of judicial office.”

In mitigation, the Commission noted that Judge Shanley was contrite and cooperative with the Commission and pledged to accord himself with the applicable rules in the future.

Judge Shanley’s term expires on December 19, 2013. He was admitted to the practice of law in New York in 1970.

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

### **The Commission Proceedings**

Judge Shanley was served with a Formal Written Complaint dated May 17, 2011, containing one charge, and filed an answer dated June 8, 2011.

On September 15, 2011, the Administrator of the Commission and Judge Shanley 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 14, 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 Shanley 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 295 determinations of censure against judges in New York State. The Commission has issued 163 determinations of removal and 244 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 Shanley represented himself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Senior Attorney David M. Duguay. 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 Suite 700 Rochester, New York 14604
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**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
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