



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Suffolk County Family Court Judge Censured for Improper Out-of-Court Meeting with a Treatment Program Defendant

The New York State Commission on Judicial Conduct has determined that Andrew G. Tarantino, Jr., a Judge of the Family Court, Suffolk County, should be censured for taking the defendant in one of his cases on an impromptu trip, alone, to Robert Moses State Park, approximately 16 miles from the courthouse.

The episode occurred in May 2009. The defendant, at the time a 20-year-old male, was in the Family Court Treatment Program. He came to court for a meeting with a Treatment Court Case Manager and, although his case was not on the judge's calendar that day, he asked to speak to the judge. The judge and the defendant met briefly in court before the lunch hour, and the judge asked if he would like to talk in the courtroom or courthouse cafeteria, or go for a ride. The defendant opted for a ride.

The two then drove in the judge's car for about 20 minutes to the park. They parked and walked to a public wildlife observation deck, where they remained for about 10 minutes. A police car approached and one of the officers inside asked if

they needed assistance. Judge Tarantino identified himself as a judge and said they did not need assistance. The officers departed, and the judge and the defendant returned to the courthouse.

Throughout the episode, the judge and the defendant spoke about personal issues, including the young man's drug use and his mother's recent death. The defendant had overdosed on drugs twice, the second time about a month before the trip to Robert Moses State Park.

Neither the defendant's attorney, the Assistant County Attorney assigned to the case, the Treatment Court team, nor anyone else was aware of, or consented to, this out-of-court excursion.

"Having served as a Family Court judge for more than two years at the time, [Judge Tarantino] should have realized that this extra-judicial meeting with the defendant – a vulnerable young man who had recently been charged with violating an order of protection for overdosing on drugs - not only would compromise [the judge's] impartiality at a time when he wielded consider power over this defendant, but would create a potential for suspicion and misunderstanding," the Commission said in its determination.

The defendant passed away in March 2010.

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

The Commission Proceedings

Judge Tarantino was served with a Formal Written Complaint dated October 13, 2010, containing one charge. On March 3, 2011, the Administrator of the Commission, the judge's counsel and the judge 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 28, 2011. Judge Thomas A. Klonick (the Commission Chair), Stephen R. Coffey, Esq. (the Vice Chair), Judge Rolando T. Acosta, Joseph W. Belluck, Esq., Joel Cohen, Esq., Paul B. Harding, Esq., Elizabeth B. Hubbard, Nina M. Moore, Judge Karen K. Peters and Judge Terry Jane Ruderman concurred.

Richard D. Emery, Esq., dissented and voted to reject the Agreed Statement of Facts on the basis that the disposition was too harsh.

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 Tarantino 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 291 determinations of censure against judges in New York State. The Commission has also issued 161 determinations of removal 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 Tarantino was represented by Ruth J. Bednarz, Esq., 73 Demott Avenue, Clifton, New Jersey 07011, (973) 614-0478.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Senior Attorney Roger J. Schwarz, Esq. 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, NY 1000

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

400 Andrews Street
Rochester, NY 146

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