



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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St. Lawrence County Town Justice Removed from Office for Presiding over Cases Involving His Girlfriend's Relatives

The New York State Commission on Judicial Conduct has determined that Lafayette D. Young, Jr., a Justice of the Macomb Town Court, St. Lawrence County, should be removed from office for presiding over eight cases involving his girlfriend's relatives without disclosing the relationship and for engaging in out-of-court communications about the matters with his girlfriend and her relatives.

In one case, Judge Young failed to disclose that the complaining witness was his girlfriend's daughter, and only recused himself when the defendant's attorney threatened to file a complaint with the Commission. In another matter, the judge sentenced his girlfriend's nephew to 45 days in jail and three years' probation after engaging in out-of-court discussions with the defendant's relatives.

"By presiding over numerous cases involving his girlfriend's relatives, [Judge Young] showed insensitivity to his ethical obligations, even after the conflict was brought to his attention," the Commission said in its determination. "Such

misconduct undermines public confidence in the integrity and impartiality of the judiciary.”

The Commission dismissed a charge that Judge Young engaged in improper political activity by serving as chair of a local Democratic Party caucus. In a footnote, however, the Commission advised judges against engaging in such conduct because “it can too easily involve the judge in prohibited political activity.” Both the Commission’s Administrator and the Referee who presided over the hearing in this case had recommended that the charge be sustained. Two Commission members filed a concurring opinion taking issue with the footnote, arguing that the rules prohibiting such political activity by a judge are unconstitutional.

Judge Young has served as a Macomb Town Court justice since 2004, except for a brief period in 2010 in which he had resigned. He was then re-appointed to that position. The judge’s current term expires on December 31, 2014. He is not an attorney.

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

The Commission Proceedings

Judge Young was served with a Formal Written Complaint dated February 25, 2010 containing seven charges, and filed an answer dated May 12, 2010.

The Commission designated David M. Garber, Esq., as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on November 16 and 17, 2010, and the referee filed a report dated April 21, 2011.

The Administrator recommended that Judge Young be removed from office. The judge did not address the issue of sanction. Oral argument was waived, and the Commission considered the record of the proceeding on June 16, 2011.

The Commission Determination

The Commission filed a determination dated October 7, 2011. Judge Thomas A. Klonick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Judge Rolando T. Acosta, Joseph W. Belluck, Esq., Joel Cohen, Esq., Richard D. Emery, Esq., Paul B. Harding, Esq., Nina M. Moore, Judge Karen K. Peters and Richard A. Stoloff, Esq., concurred.

Mr. Emery filed a concurring opinion, in which Mr. Belluck joined, regarding the dismissed political activity charge.

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 Young does not request review by the Court of Appeals, the Court of Appeals will remove 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 163 determinations of removal against judges in New York State. The Commission has issued 293 determinations of censure and 242 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 Young was represented by Henry J. Leader, Esq., Case & Leader LLP, 107 E. Main Street, PO Box 13, Gouverneur, New York 13642, (315) 287-2000.

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