



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

61 BROADWAY
NEW YORK, NEW YORK 10006

BETH MOSZKOWICZ
PUBLIC INFORMATION OFFICER

646-386-4791 646-458-0037
TELEPHONE FACSIMILE
www.cjc.ny.gov

NEWS RELEASE

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

Judicial Conduct Commission Issues Annual Report Covering 2011 Activities

The New York State Commission on Judicial Conduct has released its 2012 Annual Report, covering the Commission's activities in 2011. The Commission reports that it processed 1,818 complaints in 2011, fewer than the record number processed the year before (2,205) but still the fourth highest total in its 34-year history.

The Commission issued 14 public decisions in 2011 – one fewer than in 2010. Fifteen judges resigned from office while under inquiry – one more than in 2010. (Statistics are summarized below.)

The Commission is the New York State government agency responsible for investigating complaints of misconduct against judges of the state unified court system and, where appropriate, disciplining such judges for ethics violations.

The Annual Report is available online at www.cjc.ny.gov.

The Report includes summaries and copies of the Commission's 14 public decisions in 2011, statistics for the year, overall statistics dating to the Commission's inception in 1978, summaries of litigated challenges to the Commission's procedures, and recommendations to the Governor, Legislature and Judiciary.

Statistics for 2011

- 1,818 new complaints were received and processed.
- 464 preliminary inquiries were conducted.
- 172 full-fledged investigations were authorized.
- 14 public decisions were rendered:
 - 2 Removals from office
 - 6 Public Censures
 - 4 Public Admonitions
 - 2 Public Stipulations in which judges resigned and agreed to never again hold judicial office
- 15 judges resigned during Commission proceedings (including the 2 noted above).
- 29 confidential cautionary letters were issued.
- 216 matters were pending at year's end.

Statement by Commission Administrator Robert H. Tembeckjian

“No single year statistics tell the true tale of any agency's activities. In the context of the last five years, 2011 was about average for the Commission. For example, we conducted more preliminary inquiries but fewer new investigations. We had one less public discipline and one more resignation.”

Mr. Tembeckjian noted that for much of the past year and a half, the Commission operated with a significantly reduced staff, due to retirement, departures for other agencies or law school, and medical leaves. Its 49 staff positions are now filled.¹

¹ The Commission is authorized to operate with 54 full-time employees. For fiscal reasons, the Commission, like many government agencies, has long operated at less than its full complement of staff.

Comparative Statistics, Judicial Conduct Commission 2010-11 ♦ 5-Year Average			
	2011	2010	5-Year Average
Complaints	1,818	2,025	1,866
Initial Inquiries	464	439	428
Investigations	172	225	221
Public Decisions	14	15	20
Resignations	15	14	15
Pending Year-End	216	226	226

Also in the Annual Report

The Report summarizes *Matter of Holzman v. Commission*, in which the Surrogate of Bronx County commenced litigation seeking to stop a pending disciplinary proceeding against him (pp. 16-17 of the Annual Report). The Supreme Court (NY County) denied his application, and the Appellate Division, First Department, affirmed that decision. Documents pertaining to the case are available on the Commission's website. www.cjc.ny.gov.

The Report also discusses the following topics on pages 18-23:

- The Commission's previous recommendation that formal disciplinary proceedings be public, as they are in 35 other states.
- Remembering to administer oaths to witnesses in town and village court cases.
- Rendering decision without being swayed by public clamor or fear of criticism.
- The requirement that, with limited exceptions, court proceedings and court records must be open and accessible to the public.
- Potential disciplinary consequences when a judge operates a motor vehicle while under the influence of alcohol.

The Commission's Budget

In light of the significant financial constraints on all of state government for several years, the Commission has proposed a "flat" budget of just under \$5.4 million for the fifth year in a row (p. 24 of the Annual Report).

Website and Office Addresses

The Annual Report is available on the Commission's website: www.cjc.ny.gov. The Commission's offices are located at the following addresses:

61 Broadway
Suite 1200
New York, NY 10006

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

400 Andrews Street
Suite 700
Rochester, NY 14604

Commission Members in 2011

There are 11 members of the Commission on Judicial Conduct. Members, who are appointed by the Governor, Chief Judge and legislative leaders, serve 4-year terms and are eligible for re-appointment.

The following individuals served on the Commission in 2011:

Hon. Thomas A. Klonick, Chair

Hon. Terry J. Ruderman, Vice Chair

Stephen R. Coffey, Esq., former Vice Chair (term ended March 2011)

Hon. Rolando T. Acosta

Joseph W. Belluck, Esq.

Joel Cohen, Esq.

Richard D. Emery, Esq.

Paul B. Harding, Esq.

Elizabeth B. Hubbard (term ended March 2011)

Nina M. Moore

Hon. Karen K. Peters

Richard A. Stoloff, Esq. (term commenced April 2011)

There is currently one vacancy on the Commission to be filled by the Governor.