



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

**FOR RELEASE** February 15, 2012

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### **Jefferson County Town Court Justice Censured for Unlawfully Issuing Orders of Protection**

The New York State Commission on Judicial Conduct has determined that Robin J. Curtis, a Justice of the Lyme Town Court, Jefferson County, should be censured for unlawfully issuing two orders of protection and, shortly before the orders were due to expire, issuing two additional orders without any legal basis.

The judge issued these orders based on *ex parte* complaints and in spite of the fact that there was no criminal action pending against the individual. The Commission noted that, as a result of these orders, the individual was taken into custody, had to hire an attorney, and had criminal charges pending against him for over a year until they were dismissed.

“[Judge Curtis’] abuse of judicial authority...was inconsistent with the requirements of the Criminal Procedure Law and overstepped the boundaries of his judicial role, conveying the appearance that he was acting as a law enforcement officer, not as a judge,” the Commission said in its determination.

As a judge for almost two decades, the Commission said that Judge Curtis should have realized that he lacked the authority to issue an order of protection in the absence of a pending criminal proceeding.

Judge Curtis served as a judge since 1991. His term expires on December 31, 2015. He is not an attorney.

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

### **The Commission Proceedings**

Judge Curtis was served with a Formal Written Complaint dated October 19, 2011, containing two charges. The judge filed an answer dated November 14, 2011.

On January 10, 2012, the Administrator of the Commission, Judge Curtis and Judge Curtis' 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 January 26, 2012. The Commission had rejected an earlier Agreed Statement of Facts.

### **The Commission Determination**

The Commission filed a determination dated January 31, 2012. 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.

### **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 Curtis 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 297 determinations of censure against judges in New York State. The Commission has issued 164 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. One request for review is pending.

### **Counsel**

In the proceedings before the Commission, Judge Curtis was represented by Andrew N. Capone, 120 Washington Street, Suite 310, Watertown, New York 13601, (315) 788-3030.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Senior Attorney David M. Duguay. Senior Investigator Rebecca Roberts 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:

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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