



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

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### **Washington County Village Court Justice Removed from Office for Abusing His Judicial Power**

The New York State Commission on Judicial Conduct has determined that Michael M. Feeder, a Justice of the Hudson Falls Village Court, Washington County, should be removed from office for abusing his judicial power in jailing defendants in five cases without due process.

In a 2007 case, Judge Feeder accepted a guilty plea at arraignment from an unrepresented defendant and sentenced him to 30 days in jail for violating a local noise ordinance, notwithstanding that the defendant was under the influence of alcohol, learning-disabled and incapable of understanding and asserting his rights.

In four other cases in 2007 and 2008, Judge Feeder precipitously held defendants in summary contempt for their behavior in court and sentenced them to jail without following the procedures required by law, such as issuing a warning or providing them with an opportunity to stop the allegedly improper conduct. In what the Commission called "an especially mean-spirited overreaction," Judge Feeder held a 16-year-old defendant in contempt and sentenced him to 15 days in jail for talking quietly in the back of the courtroom while waiting for his release on a conditional discharge.

“Viewed in their totality, [Judge Feeder’s] handling of these matters showed a disregard of fundamental legal principles and casts serious doubt on his fitness to serve as a judge,” the Commission said in its determination.

The Commission noted that Judge Feeder had been censured in 2009. While the misconduct in the earlier matter was different from the conduct in this proceeding, Judge Feeder’s “apparent inability to recognize and avoid misconduct, to apply fundamental principles of law and to adhere to the high ethical standards required of judges demonstrates that he is unfit to serve as a judge.”

By law, the sanction of removal makes a judge ineligible to hold judicial office in the future.

Judge Feeder has been a Justice of the Hudson Falls Village Court, Washington County, since 1999. He served as a Justice of the Kingsbury Town Court, Washington County, from 1998 to 2005. His current term expires on March 31, 2012. Judge Feeder 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 Feeder was served with a Formal Written Complaint dated April 23, 2010 containing five charges, and filed an answer dated June 20, 2010.

The Commission designated Gregory S. Mills, Esq., as referee to hear and report proposed findings of fact and conclusions of law on September 16, 2010. A hearing was held on November 12, 2010, and the referee filed a report dated September 12, 2011. The parties submitted briefs with respect to the referee’s report and the issue of sanctions. Counsel to the Commission recommended the sanction of removal, and the judge recommended a sanction less than removal. The Commission heard oral argument on December 8, 2011.

### **The Commission Determination**

The Commission filed a determination dated January 31, 2012. Judge Thomas A. Klönick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Joseph W. Belluck, Esq., Joel Cohen, Esq., Richard D. Emery, Esq., Nina M. Moore, Judge Karen K. Peters and Richard A. Stoloff, Esq., concurred. Mr. Cohen filed a concurring opinion.

Commission Member Paul B. Harding, Esq., did not participate. Judge Rolando T. Acosta was not present.

**Prior Discipline**

The Commission censured Judge Feeder in 2009 for engaging in conduct that compromised his impartiality in several cases, including making an *ex parte* promise of leniency to a defendant's parent and presiding over matters brought by the local police without disclosing his close friendship with the Assistant Police Chief. Three Commission members dissented and voted for the judge's removal, as the Commission's Administrator had recommended.

**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 Feeder 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 164 determinations of removal against judges in New York State. The Commission has issued 295 determinations of censure 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 Feeder represented himself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, Senior Attorney Jill S. Polk and Staff Attorney Charles Farcher, who recently left the Commission for private practice. Senior Investigator David Herr 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