



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

FOR RELEASE March 30, 2012

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St. Lawrence County Town Justice Censured for Engaging in Out-of-Court Communications

The New York State Commission on Judicial Conduct has determined that Paul M. Lamson, a Justice of the Fowler Town Court, St. Lawrence County, should be censured for engaging in a series of out-of-court communications about the impending sentence of a defendant, notwithstanding that the judge had previously been cautioned by the Commission to avoid such communications.

In a 2009 criminal case, Judge Lamson discussed the impending sentence with the defendant's attorney when the judge stopped at the St. Lawrence Public Defender's Office to visit an acquaintance. The judge later sent the attorney two emails about the sentencing without disclosing these communications to the District Attorney, and also engaged in an out-of-court conversation with the Gouverneur Police Chief about the case. Judicial ethics rules prohibit such *ex parte* communications, with certain exceptions not applicable to the situation involving Judge Lamson. *See* Section 100.3(B)(6) of the Rules Governing Judicial Conduct.

“[Judge Lamson] never disclosed these communications to the defendant’s attorney notwithstanding that, in imposing the sentence, [the judge] clearly relied on the *ex parte* information he had received,” the Commission said in its determination. “[Judge Lamson] should have recognized that such unauthorized communications would compromise his impartiality and create an appearance of impropriety.”

The judge had received a prior Letter of Dismissal and Caution for making numerous out-of-court telephone calls to a defendant.

“Having been cautioned less than a year earlier about such conduct, [Judge Lamson] should have been particularly sensitive to the impropriety of engaging in any *ex parte* communications,” the Commission said. “Prior discipline is an aggravating factor in favor of a strict sanction, especially where the prior discipline was based on similar misconduct.”

The Commission noted that the judge’s misconduct was limited to a single criminal case and that the misconduct did not result in actual favoritism or bias.

Judge Lamson, who is not an attorney, has been a Justice of the Fowler Town Court since 2005. His current term expires on December 31, 2013.

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

The Commission Proceedings

Judge Lamson was served with a Formal Written Complaint dated November 3, 2011, containing two charges, and filed an answer dated December 27, 2011.

On March 6, 2012, the Administrator of the Commission, Judge Lamson and Judge Lamson’s 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 March 15, 2012.

The Commission Determination

The Commission filed a determination dated March 20, 2012. Judge Thomas A. Klönick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Judge Rolando T. Acosta, Joel Cohen, Esq., Richard D. Emery, Esq., Paul B. Harding, Esq., Nina M. Moore, Judge Karen K. Peters and Richard A. Stoloff, Esq., concurred. Commission member Joseph W. Belluck, Esq. was not present.

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 Lamson 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 298 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 Lamson was represented by Lloyd G. Grandy II, of Lekki Hill Duprey & Bhatt, PC, 21 Court Street, Canton, New York 13617-1136, (315) 386-4583.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Senior Attorney Jill S. Polk. Senior Investigator David Herr and 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:

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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

| Member | Appointing Authority | Term End |
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| Hon. Thomas A. Klonick, Chair | Chief Judge Jonathan Lippman | March 31, 2013 |
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| Joseph W. Belluck, Esq. | Former Governor David A. Paterson | March 31, 2012 |
| Joel Cohen, Esq. | Assembly Speaker Sheldon Silver | March 31, 2014 |
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