



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

September 27, 2012

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Fulton County Town Justice Resigns, Ending Inquiry into Misconduct Allegations

The New York State Commission on Judicial Conduct has completed formal proceedings against Robert L. Link, a Justice of the Oppenheim Town Court, Fulton County. Pursuant to a stipulation dated August 17, 2012, Judge Link, who resigned by letter dated June 6, 2012, agreed to vacate judicial office effective June 30, 2012, and agreed not to seek or accept judicial office in the future. On that basis, the proceedings were discontinued and the matter was closed on September 20, 2012.

Under the terms of the stipulation, Judge Link, who is not an attorney, waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission decision and order would be made public. Judge Link had served as a Justice of the Oppenheim Town Court since 2004.

The judge was served with a Formal Written Complaint dated April 17, 2012, alleging that he engaged in misconduct in the handling of several cases between

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May 2009 and September 2010. The allegations in the Formal Written Complaint included:

- Failing to advise a defendant of the right to counsel or right to a hearing;
- Improperly eliciting admissions from the defendant;
- Considering and/or relying on *ex parte* communications;
- Finding the defendant guilty without a plea or trial and imposing sentence without giving the defendant an opportunity to contest charges;
- Failing to disclose his personal involvement in a defendant's business operation in two cases and failing to disqualify himself;
- Failing to mechanically record court proceedings in two cases.

The Commission has accepted 37 such stipulations since the procedure was instituted in 2003.

The stipulation and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov.

Press Availability

Mr. Tembeckjian will be in New York City on September 27, 2012 and is available throughout the day by telephone: (646) 386-4884.

Counsel

In the proceedings before the Commission, Judge Link was represented by James E. Girvin, Esq. of Girvin and Ferlazzo, PC, 20 Corporate Woods Boulevard, Albany, New York 12211, (518) 462-0300.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Senior Attorney Jill S. Polk. Senior Investigator Donald Payette assisted in the investigation.

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

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The stipulation and order are attached. They are also available for inspection 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	Chief Judge Jonathan Lippman	March 31, 2016
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2014
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2016
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2014
Richard D. Emery, Esq.	Senate Minority Leader John L. Sampson	March 31, 2016
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