



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Supreme Court Justice Barry Kamins Agrees to Leave Bench, Ending Investigation into Misconduct Allegations

The New York State Commission on Judicial Conduct has closed its investigation of a complaint against Supreme Court Justice Barry Kamins, who agreed in a stipulation with the Commission's Administrator to vacate his judicial office.¹

Judge Kamins agreed that on October 1, 2014, he would notify the Office of Court Administration and the New York State and Local Retirement system that he would relinquish his judicial office effective December 1, 2014. Judge Kamins also stipulated that he would neither seek nor accept judicial office at any time in the future.

Under the terms of the stipulation, Judge Kamins waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and the Commission's decision and order accepting it would be made public on October 1, 2014.

¹ The stipulation, which is dated September 9, 2014, was accepted by the Commission in an Order dated September 29, 2014.

The Commission opened an investigation on May 30, 2014, based on information from a report of the New York City Department of Investigation alleging that Judge Kamins had engaged in misconduct. The Commission interviewed witnesses, reviewed documents and heard from Judge Kamins.

Judge Kamins has been a judge since 2008. In 2009 he was appointed Administrative Judge for the Criminal Courts in Kings County. In 2012, he was appointed Administrative Judge for the Criminal Courts of New York City. In 2013, he was named Chief of Policy and Planning for the New York State Courts. Since January 2014, he has served as a Supreme Court Justice pursuant to a two year certification that would have expired on December 31, 2015.²

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

Statistics Relating to Prior Commission Decisions

The Commission has accepted 51 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 253 determinations of admonition against judges in New York State, 311 determinations of censure and 168 determinations of removal.

The Court of Appeals has reviewed 95 Commission determinations. The Court accepted the Commission's sanctions in 79 cases (70 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: nine 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.

² He would be eligible for two additional two-year certifications, which would permit him to serve through 2019, the year he turns 76, beyond which certifications are not permitted under the Constitution.

*October 1, 2014**Page 3***Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“After extensive investigation in a short period of time, this matter is now closed. By agreeing to leave and never return to judicial office, I believe Judge Kamins has acted realistically.”

Press Availability

Mr. Tembeckjian will be in New York City on October 1, 2014, and is available throughout the day by telephone: (646) 386-4800.

Counsel

In the proceedings before the Commission, Judge Kamins was represented by Paul Shechtman of Zuckerman Spaeder, LLP, 1185 Avenue of the Americas, 31st Floor, New York, New York 10036, (646) 746-8657.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Mark Levine, Deputy Administrator in Charge of the New York City office; and Mary Farrington, Administrative Counsel. Investigator Esther Carpenter and Senior Investigator Ethan Beckett assisted in the investigation.

Judge Kamins’ Judicial History

Appointed to NYC Criminal Court	September 2008
Appointed Administrative Judge for the Criminal Courts, Kings County	May 2009
Appointed Administrative Judge for the Criminal Courts, New York City	January 2012
Elected to the Supreme Court (Kings County)	November 2012
Named Chief of Policy and Planning	December 2013
Two Year Certification Began	January 1, 2014
Relieved of Administrative Judge duties and as Chief of Policy and Planning	June 2, 2014
Assigned to Supreme Court, Civil Term, Queens County	July 2014
Current Two Year Certification Term Expires	December 31, 2015

Members of the Commission

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

The Public File

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, 2017
Hon. Terry Jane Ruderman, Vice Chair	Chief Judge Jonathan Lippman	March 31, 2016
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2018
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2016
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2015
Richard D. Emery, Esq.	Former Senate Minority Leader John L. Sampson	March 31, 2016
Paul B. Harding, Esq.	Former Assembly Minority Leader James Tedisco	March 31, 2017
Richard A. Stoloff, Esq.	Senate President Pro Tem Dean Skelos	March 31, 2015
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2018
Vacant	Governor	March 31, 2017