



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

September 30, 2014

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Erie County Town Justice Resigns, Ending Inquiry into Misconduct Allegations

The New York State Commission on Judicial Conduct has completed formal proceedings against William E. Montgomery, a Justice of the Colden Town Court, Erie County. Pursuant to a stipulation dated August 28, 2014, Judge Montgomery, who resigned by letter dated June 5, 2014, agreed to vacate judicial office effective August 31, 2014, 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 18, 2014.

Under the terms of the stipulation, Judge Montgomery, who is not an attorney, waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's decision and order would be made public.

Judge Montgomery has served as a Justice of the Colden Town Court since 1983 and his current term expires on December 31, 2015.

Judge Montgomery was served with a Formal Written Complaint dated March 4, 2014, containing two charges. The Formal Written Complaint, which is appended to the stipulation, alleges as follows:

- That the judge facilitated the filing of a falsely notarized designating petition for his candidacy for judicial office, and that thereafter he neither refused the nomination nor withdrew his candidacy.
- That the judge drove a defendant home following her arraignment on alcohol related and other vehicle and traffic charges, and thereafter presided over the case.

Judge Montgomery filed an answer dated April 16, 2014, that is also appended to the stipulation.

The stipulation, appended exhibits, 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 50 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.

Press Availability

Mr. Tembeckjian will be in New York City on September 30, 2014 and is available throughout the day by telephone: (646) 386-4800.

Counsel

In the proceedings before the Commission, Judge Montgomery was represented by Michael S. Taheri, of Taheri & Todoro, PC, 388 Evans Street, Williamsville, New York, 14221, (716) 633-0374.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Senior Attorney David M. Duguay. Investigator Vanessa Mangan assisted in the investigation.

Background Information on Judge Montgomery

First took office:	1983
Current term expires:	December 31, 2015
Judicial Salary:	\$10,726.50 (Source: Town of Colden January 2014 Meeting Minutes)

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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*September 30, 2014**Page 4***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