



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Rockland County Village Justice Should Be Censured for Driving While His Ability Was Impaired by Alcohol

The New York State Commission on Judicial Conduct has determined that Thomas J. Newman, Jr., a Justice of the Sloatsburg Village Court, Rockland County, should be censured for driving after consuming alcohol in excess of the legal limit, which resulted in a minor accident and his conviction for Driving While Ability Impaired.

Judge Newman agreed to the censure.

On August 16, 2011, Judge Newman operated his vehicle while under the influence of alcohol and rear-ended another vehicle that was lawfully stopped at a traffic light. Upon the arrival of law enforcement officers the judge became combative and uncooperative. At the time of his arrest the judge repeatedly stated, in words or in substance, that he wanted to die and wanted an officer to shoot him.

In its determination the Commission stated that Judge Newman “violated his ethical obligation to respect and comply with the law and endangered public safety by operating a motor vehicle while under the influence of alcohol.” The Commission noted that, “As a judge who has handled such matters in his own court for three decades, [the judge] should be well aware of the consequences of such behavior.”

The Commission found that several factors compounded the judge’s misconduct. Judge Newman “was uncooperative and disruptive during his arrest, refused to take a breathalyzer test, tried to break away from the arresting officer’s grasp, had to be forced into the patrol car and threatened to take the officer’s gun.”

It was stipulated that Judge Newman’s behavior was “instigated by the deleterious effects of alcohol, which significantly impaired his clarity and self-control.” The Commission noted that although the judge refused to take a breathalyzer test, there is little doubt that he was “highly intoxicated and that his judgment and self-control were impaired by alcohol.” The Commission also noted Judge Newman’s efforts at rehabilitation: “While such behavior might call into question his fitness for the bench, the record before us indicates that [the judge] acknowledges that he is an alcoholic and states that this incident was ‘a trigger for him to obtain the help that he needed to treat his condition.’”

In determining the appropriate sanction, the Commission noted that since Judge Newman’s arrest, over two years ago, the judge has abstained from alcohol, has undergone counseling and regularly attends Alcoholics Anonymous meetings. The Commission stated that, “we give appropriate weight to the record of these rehabilitative efforts.” The Commission also noted that “there is no indication that [the judge] invoked his judicial office during his arrest in an attempt to secure favorable treatment.”

The Commission concluded that Judge Newman should be censured but stated that his misconduct “comes very close to the ‘truly egregious’ standard that requires the sanction of removal.” The Commission noted that the sanction of suspension from office without pay is not available.

Judge Newman has served as a Justice of the Sloatsburg Village Court since 1981. His current term expires on December 5, 2016.

The Commission Proceedings

Judge Newman was served with a Formal Written Complaint dated September 13, 2013 containing one charge.

On November 26, 2013, the Administrator of the Commission, Judge Newman and Judge Newman'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 December 12, 2013.

The Commission Determination

The Commission filed a determination dated December 18, 2013, in which seven members concurred: Judge Thomas A. Klonick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Judge Rolando T. Acosta, Joseph W. Belluck, Esq., Joel Cohen, Esq., Jodie Corngold, and Richard A. Stoloff, Esq.

Three members, Richard D. Emery, Esq., Paul B. Harding, Esq., and Judge David A. Weinstein, voted to reject the Agreed Statement of Facts on the basis that the proposed disposition was too lenient. There is currently one vacancy on the 11-member Commission.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“While it is fortunate that no one was seriously injured by his conduct, Judge Newman's irresponsible public behavior while under the influence of alcohol dishonored the judiciary. However, it is noteworthy that Judge Newman did not attempt to use his judicial position to avoid the consequences of his conduct. And to his credit, for more than a year Judge Newman has demonstrated a serious commitment to treat and overcome the effects that the disease of alcoholism has had on him. Under such circumstances, it seemed appropriate to recommend that he remain in office.”

Press Availability

Mr. Tembeckjian will be in New York City on Tuesday, January 7, 2014, and is available throughout the day by telephone: (646) 386-4800.

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. Judge Newman received it on December 23, 2013, and the Commission was subsequently notified

by the Court of Appeals that service was complete. Consequently, the matter is now public.

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 Newman does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If a Commission 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 308 determinations of censure against judges in New York State. The Commission has issued 252 determinations of admonition and 168 determinations of removal.

The Court of Appeals has reviewed 94 Commission determinations. The Court accepted the Commission's sanctions in 78 cases (69 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. One request for review is pending.

Counsel

In the proceedings before the Commission, Judge Newman was represented by Patrick T. Burke, Esq., of Burke, Miele & Golden, LLP., 40 Matthews Street, Suite 209, P.O. Box 216, Goshen, New York 10924, (845) 294-4080.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, Senior Attorney Brenda Correa and Senior Attorney Roger Schwarz. Senior Investigator Ethan Beckett assisted in the investigation.

Background Information on Judge Newman

First took office:	1981
Current Term Expires:	12/5/2016
Year Admitted to the New York State Bar:	1980
Judicial Salary:	\$26,791.40 (Source: Village of Sloatsburg 2013 Fiscal Budget)
Prior Judicial Office:	None

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

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, 2014
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2016
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2014
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, 2014
Vacant	Governor	March 31, 2017