



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

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### **Judicial Conduct Commission Issues Annual Report, Notes Record Number of “Permanent” Resignations and Lowest Number of Other Public Disciplines in 2014**

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Seven judges resigned in 2014 and signed public stipulations never to return to judicial office – more than in any year since the New York State Commission on Judicial Conduct instituted the procedure in 2003.<sup>1</sup> Each of these “permanent” resignations occurred at the end of an investigation or upon the service of formal disciplinary charges against the judges.

Twelve other judges resigned from office while complaints against them were still pending, where it had not yet been determined that the judge’s permanent departure from office was warranted or appropriate.<sup>2</sup>

The overall total of 19 resignations is the second highest in the Commission’s history.

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<sup>1</sup> List is attached on last page.

<sup>2</sup> The Commission notifies judges in such situations that proceedings against them would resume were they to return to the bench.

The Commission also reports that it processed 1,767 complaints in 2014, conducted 499 preliminary inquiries – also a record – and authorized 145 full-fledged investigations.<sup>3</sup>

In addition to accepting the seven public stipulated resignations, the Commission publicly censured or admonished five other judges – the fewest for any year in its history – and issued 23 confidential cautionary letters.

The Report includes summaries and copies of the Commission’s 12 public decisions, statistics for the year, overall statistics dating to the Commission’s inception in 1978, summaries of litigated challenges to the Commission’s procedures, and commentary on various ethics issues that arise regularly.

171 matters were pending at year’s end and carried over into 2015.

The Commission is the New York State government agency responsible for investigating complaints of misconduct against judges of the state unified court system and, where appropriate, disciplining such judges for ethics violations.

The Annual Report is available online at [www.cjc.ny.gov](http://www.cjc.ny.gov).

<b>Comparative Statistics, Judicial Conduct Commission</b>			
	<b>2014</b>	<b>2013</b>	<b>5-Year Average</b>
<b>Complaints</b>	1767	1770	1833
<b>Initial Inquiries</b>	499	477	467
<b>Investigations</b>	145	177	180
<b>Public Decisions</b>	12	17	16
<b>Resignations</b>	19	13	14
<b>Cautions</b>	23	18	26
<b>Pending Year-End</b>	171	201	204

<sup>3</sup> Initial Review and Inquiry means the preliminary analysis, clarification and fact-finding activities intended to aid the Commission in determining whether or not to investigate a particular complaint.

**1975-2014 Statistics**

Since 1975, the Commission has received 50,477 complaints and conducted 8,490 investigations. Through 2014, 831 judges were publicly disciplined for judicial misconduct, including 168 judges who were removed from office. In addition, 1,539 judges have been confidentially cautioned, and 512 judges resigned while under investigation or formal charges.

**Also in the Annual Report**

The Report also discusses the following topics on pages 19-22:

- The Commission's renewed call for legislation to make its proceedings public at the point that formal disciplinary charges are filed against a judge.
- A reminder that judges are prohibited under most circumstances from raising funds for civic, charitable and other organizations.
- The responsibility of candidates for judicial office to avoid misleading campaign advertisements, literature or other statements.

**The Commission's Budget**

Since 2008, the Commission's budget has remained relatively constant. For the fiscal year beginning April 1, 2015, it is \$5.584 million. The Commission has 46 employees and offices in New York City, Albany and Rochester. (The authorized number of full-time staff was 55 in 2008.)

**Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“Statistics for a single year do not fully reflect the range of Commission activity or measure the Commission's effectiveness. For example, in 2014 we conducted a record number of preliminary inquiries, but the number of full-fledged investigations was lower than the previous year. Yet the combined total of 644 in 2014 is nearly identical to the five-year average of 647.

“We had the highest number of “permanent” resignations but the lowest number of other public disciplines. Yet even the record number of ‘permanent’ resignations in 2014 does not reveal the intense and often complicated investigative effort that goes into fulfilling our ethics enforcement mandate, or the significant public interest being served.

“We believe the public and the judiciary as a whole are well served by the departure of judges who should no longer be on the bench, whether that result is achieved by an agreed-upon resignation or a contested removal proceeding.

“We also believe the Commission’s very existence has a salutary effect on the judiciary, which is overwhelmingly comprised of capable men and women who are sensitive to their ethical obligations.”

**Office Addresses**

The Commission’s offices are located at the following addresses:

61 Broadway  
Suite 1200  
New York, NY 10006

Corning Tower, Suite 2301  
Empire State Plaza  
Albany, NY 12223

400 Andrews Street  
Suite 700  
Rochester, NY 14604

**Commission Members in 2014**

There are 11 members of the Commission on Judicial Conduct. Members, who are appointed by the Governor, Chief Judge and legislative leaders, serve 4-year terms and are eligible for re-appointment.

The following individuals served on the Commission in 2014:

- Hon. Thomas A. Klonick, Chair
- Hon. Terry J. Ruderman, Vice Chair
- Hon. Rolando T. Acosta
- Joseph W. Belluck, Esq.
- Joel Cohen, Esq.
- Jodie Corngold
- Richard D. Emery, Esq.
- Paul B. Harding, Esq.
- Richard A. Stoloff, Esq.
- Hon. David A. Weinstein

There is currently one vacancy on the Commission which must be filed by the Governor and by law must be a non-lawyer/non-judge.

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<b>Resignations in 2014 with Public Stipulation Never to Return to the Bench</b>		
<b>Name</b>	<b>Title</b>	<b>County</b>
Richard H. Ackerson	Suffern Village Court Justice	Rockland
Robert J. Blain	Prattsville Town Court Justice	Greene
Arlene M. Brown	Bennington Town Court Justice	Wyoming
Philip A. Crandall	Coeymans Town and Acting Ravena Town Court Justice	Albany
Barry Kamins	Supreme Court Justice	2 <sup>nd</sup> District <sup>4</sup>
William E. Montgomery	Colden Town Court Justice	Erie
Domenick J. Porco	Eastchester Town Court Justice	Westchester

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<sup>4</sup> Elected in Kings County; sitting in Queens County at time of resignation. Also served as Chief of Policy and Planning for the Office of Court Administration.