



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

May 19, 2015

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Oswego County Town Justice Reneges on Pledge to Resign, Making the Charges Against Him Public

The New York State Commission on Judicial Conduct has made public a stipulation that includes formal charges against Michael R. Clark, a Justice of the Hastings Town Court, Oswego County.

Judge Clark had agreed on February 24, 2015, in writing, to “vacate his judicial office on May 31, 2015” and never to seek or accept judicial office at any time in the future. Now he has rescinded his resignation and declared he is running for re-election this year. Therefore, his February stipulation becomes public, the proceedings against him are revived and the matter will proceed to a hearing before a referee.

This is the third time in the Commission’s history that a judge has abrogated the terms of a stipulation. Hudson Falls Village Justice Michael M. Feeder (Washington County), was censured in 2009 and removed from office in 2012,

and Macomb Town Court Justice Lafayette D. Young (St. Lawrence County) was removed from office in 2011.¹

Judge Clark was served with a Formal Written Complaint dated July 2, 2014, containing six charges, which alleged, *inter alia*, that he:

- Engaged in prohibited *ex parte* conversations with defendants and dismissed and/or reduced charges against them, without notice or consent of the prosecution;
- Failed to afford a defendant an opportunity to be heard on bail and did not make a bail determination on the basis of the required factors and criteria;
- During an arraignment spoke to a defendant in a rude, discourteous and retaliatory manner and acted without basis in law in issuing an order of protection;
- Imposed conditions upon a defendant's recognizance release that were without basis in law and unrelated to the purpose of bail;
- Spoke to a defendant in a discourteous and demeaning manner about his physical appearance and while imposing sentence, imposed a condition pertaining to the defendant's physical appearance; and,
- Failed to protect an unrepresented minor's rights by (1) failing to advise the defendant that he had the right to an attorney, (2) asking the defendant potentially incriminatory questions, notwithstanding that the defendant had not entered a guilty plea, (3) coerced the defendant to return to his parents' home and directed him to bring his report card to court as a condition to negotiate a plea agreement with the District Attorney and (4) threatened to impose a jail sentence if the defendant did not do as the judge directed.

Judge Clark filed an Answer dated August 5, 2014.

Judge Clark, who is not an attorney, has served as a Justice of the Hastings Town Court since 2000, and his current term expires on December 31, 2015.

The following can be found on the Commission's website: www.cjc.ny.gov: (1) the stipulation which includes the Formal Written Complaint, Judge Clark's Answer and his letter of resignation, (2) the Commission's decision accepting the stipulation and (3) Judge Clark's rescission of the resignation and the notice to his lawyer that the matter would become public and proceed to trial.

¹ <http://cjc.ny.gov/Determinations/F/feeder.htm>,
[http://cjc.ny.gov/Determinations/F/Feeder.Michael.M\(2\).htm](http://cjc.ny.gov/Determinations/F/Feeder.Michael.M(2).htm) and
<http://cjc.ny.gov/Determinations/Y/Young.Lafayette.htm>

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“We expect a judge who enters into a resignation agreement with my office to live up to it. Most of them do. Judge Clark did not. Therefore, we are going forward with proceedings to remove him from office.”

Press Availability

Mr. Tembeckjian is available throughout the day by telephone: (646) 386-4800.

Counsel

In the proceedings before the Commission, Judge Clark is represented by Michael A. Santo of Duffy & Duffy, PLLC, RXR Plaza, Suite 1370, Uniondale, New York 11556, (516) 394-4200.

The Commission is represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney David M. Duguay.

Background Information on Judge Clark

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| First took office: | 2000 |
| Current term expires: | December 31, 2015 |

Members of the Commission

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

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. | Former Assembly Speaker Sheldon Silver | March 31, 2018 |
| Jodie Corngold | Governor Andrew M. Cuomo | March 31, 2019 |
| 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. | Former Senate President Pro Tem Dean Skelos | March 31, 2019 |
| Hon. David A. Weinstein | Governor Andrew M. Cuomo | March 31, 2018 |
| Vacant | Governor | March 31, 2017 |