



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

December 30, 2015

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Erie County Town Justice Resigns Ending Inquiry into Misconduct Allegations

The New York State Commission on Judicial Conduct has closed its investigation of a complaint against Victoria B. Zach, a Justice of the Colden Town Court, Erie County, who resigned from office effective December 31, 2015, and agreed pursuant to a stipulation dated December 8, 2015, that she will neither seek nor accept judicial office at any time in the future. The Commission accepted the stipulation on December 10, 2015, concluding the matter.

Under the terms of the stipulation, Judge Zach 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 public.

The Commission had commenced an investigation based upon a complaint alleging that Judge Zach lent the prestige of her judicial office to advance the private interests of a defendant charged in another court with Driving While Intoxicated, and that her actions created the impression that she was the defendant's attorney, notwithstanding that Judge Zach is not a lawyer.

Judge Zach has served as a Justice of the Colden Town Court since 2009.

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 58 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 259 determinations of admonition against judges in New York State, 314 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.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement:

“A judge must act at all times in a manner that upholds the integrity of the judiciary. The allegations that Judge Zach invoked her judicial office to benefit a defendant charged with DWI in another court, and gave the appearance of being an attorney when she is not, made her departure from office appropriate.”

Press Availability

Mr. Tembeckjian is available throughout the day by telephone: (646) 386-4791.

Counsel

In the proceedings before the Commission, Judge Zach was represented by Paul J. Cambria, Jr., of Lipsitz Green Scime Cambria LLP, 45 Delaware Avenue, Suite 120, Buffalo, New York 14202, 716-849-1333 x 344.

The Commission was 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. Investigator Vanessa Mangan assisted in the investigation.

Background Information on Judge Zach

First took office:	2009
Current Term Expires:	12/31/2016
Salary:	\$11,049 (Source: Town of Colden 2015 Budget)
Other Employment:	Financial Counselor

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.	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.	Assembly Minority Leader Brian M. Kolb	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