



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

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### **Judicial Conduct Commission Reports Complaints Against Judges Up, Staffing Down in 2015**

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The New York State Commission on Judicial Conduct received 1,959 complaints in 2015 – the second highest number in its 39-year history, and 192 (11%) more than the year before.<sup>1</sup> There were 16 public disciplines or resignations in 2015, four more than in 2014, but still below the 39-year average of 21 per year.

At the same time, several years of budget constraints have led to a reduction in staff from 55 authorized full-time employees to 45 actual full-time employees, which among other things has led to an increase in the number of matters pending at year's end. 203 matters were pending at year's end and carried over into 2016, an increase of 32 (18%) from 2015.

Seven judges resigned from office, publicly stipulating never to return to judicial office. Eleven others resigned from office while complaints against them were still

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<sup>1</sup> The number in 2014 was 1767. The all-time high was 2025 in 2010.

pending, but where it had not yet been determined that the judge's permanent departure from office was warranted or appropriate.<sup>2</sup>

The Commission conducted 469 preliminary inquiries and commenced 179 full-fledged investigations.<sup>3</sup> The combined total of 648 is virtually identical to the 644 conducted in 2014.

Nine judges were publicly censured or admonished, and 23 confidential cautionary letters were issued.

The Report includes summaries and copies of the Commission's 16 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.

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>2015</b>	<b>2014</b>	<b>5-Year Average</b>
<b>Complaints</b>	1959	1767	1819
<b>Initial Inquiries</b>	469	499	473
<b>Investigations</b>	179	145	171
<b>Public Decisions</b>	16	12	16
<b>Resignations</b>	18	19	14
<b>Cautions</b>	23	23	24
<b>Pending Year-End</b>	203	171	199

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

<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.

### **1975-2015 Statistics<sup>4</sup>**

Since 1975, the Commission or its predecessors have received 52,436 complaints and conducted 8,669 investigations. Through 2015, 840 judges were disciplined for judicial misconduct, including 168 judges who were removed from office. In addition, 1,562 judges have been confidentially cautioned, and 530 judges resigned while under investigation or formal charges.

### **Also in the Annual Report**

The Report also discusses the following topics on pages 18-22:

- A renewed call for legislation to allow the Court of Appeals to review Commission determinations on its own motion.
- The improper delegation of adjudicative responsibilities to non-judges.
- Unauthorized *ex parte* (i.e. one-on-one) communications in a case between the judge and a party, lawyer or others.

### **The Commission's Budget**

For the sixth year in a row, the Executive Budget recommended a “flat” budget for the Commission. The Commission’s Administrator has requested a modest \$186,000 increase over the proposed \$5,584,000 budget, in order to meet mandated rises in rent and other contractual obligations, and to avoid further reductions in staff and services. In 2008 the authorized number of full-time staff was 55. Presently only 45 positions can be filled due to funding constraints. That represents a decline of 18% over eight years. The Commission’s staff has been reduced by one or more full-time employees in each of the last three years – from 50 in 2013 to 45 today, or a 10% drop.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“In the last three years, our complaint load has increased by 11%, while our staff has been reduced by 10% because of budget constraints. It therefore takes longer to discipline judges who are guilty of misconduct, which is unfair to the public, and longer to exonerate the innocent, which is unfair to the judge.

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<sup>4</sup> The Commission was constituted in its present form in April 1978, as a result of an amendment to the state constitution. Its forerunners, including a legislatively-created temporary commission, commenced operating in January 1975, and when they expired their cases were carried over to the current Commission.

“Nevertheless, the Commission continues to promote public confidence in the integrity of the judiciary by imposing discipline or accepting resignations in appropriate cases: 16 last year, and an average of 21 a year going back to 1978. In a statewide court system with approximately 3,150 judges, these numbers suggest that the judiciary is overwhelmingly comprised of capable men and women who are sensitive to their ethical obligations. It also suggests that the Commission’s very existence has a salutary effect on the behavior of judges.”

### **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 2015**

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 2015:

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.