



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

June 9, 2016

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**Rochester City Court Judge Should be Censured for
Asserting Her Judicial Influence in Her Own Lawsuit
Against an Insurance Company**

The New York State Commission on Judicial Conduct has determined that Maija C. Dixon, a Judge of the Rochester City Court, Monroe County, should be censured for using her judicial office to advance her own private interests in a dispute with an insurance company.

On two occasions in 2013, in connection with a lawsuit she had brought against her insurance company after a car accident, Judge Dixon improperly contacted state Supreme Court Justice J. Scott Odorisi, who was presiding over the case. First, Judge Dixon telephoned Judge Odorisi at his chambers, was put through after identifying herself as a judge to the receptionist, and despite Judge Odorisi's repeated warnings not to discuss her case, Judge Dixon specifically conveyed her concerns about the case and asked him to schedule a conference.¹ Then, a few

¹ Judge Odorisi promptly and properly notified the attorneys for both sides about Judge Dixon's call.

days later, despite being advised by her attorney that communicating directly with Judge Odorisi was ethically impermissible, Judge Dixon sent Judge Odorisi a letter containing substantive information about her case, without copying the insurance company lawyers.²

In its determination the Commission stated: “By engaging in such conduct, [Judge Dixon] conveyed the appearance not only that she was seeking special consideration because of her judicial status, but that she was attempting to influence the judge handling her case through prohibited, unauthorized *ex parte* communications.” The Commission continued that “even absent a specific request for special consideration, such conduct is inimical to the role of a judge, who is required to observe the highest standards of conduct on and off the bench and is prohibited from asserting judicial influence to advance private interests.”

The Commission stated: “When a litigant seeks to privately impart favorable information about her case to the judge presiding over the matter, the entire system of justice is subverted. When the litigant who does so is a judge, in an attempt to advance her personal interests in her own case, respect for the judiciary as a whole is diminished.”

In determining the appropriate sanction against the judge the Commission noted the judge’s testimony that she acted out of an “emotional” reaction and now recognizes the impropriety of her conduct and “understands that her actions in contacting the judge handling her case placed that judge ‘in a very bad place.’”

Judge Dixon has served as a Judge of the Rochester City Court since 2007. Her current term expires on December 31, 2016.

The Commission Proceedings

Judge Dixon was served with a Formal Written Complaint dated October 9, 2014, containing one charge, and filed an answer dated November 5, 2014. Judge Dixon subsequently moved to dismiss the Formal Written Complaint. The Commission denied the judge’s motion in all respects. The Commission rejected an Agreed Statement of Facts.

The Commission designated Robert A. Barrer, Esq., as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on June 24

² Judge Odorisi promptly and properly forwarded the letter, without reading it, to the attorneys for both sides.

and 25, and July 6, 2015, in Rochester. The referee filed a report dated December 16, 2015.

The parties submitted briefs with respect to the referee's report and the issue of sanctions. The Commission's Administrator recommended that Judge Dixon be removed from office, and the judge's counsel recommended dismissal of the charges or a sanction less than removal. On March 10, 2016, the Commission heard oral argument.

The Commission Determination

The Commission filed a determination dated May 31, 2016, in which eight members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Paul B. Harding, Esq. (the Vice Chair), Judge Rolando Acosta, Joel Cohen, Esq., Jodie Corngold, Richard D. Emery, Esq., Richard A. Stoloff, Esq., and Judge David A. Weinstein.

Mr. Emery filed a concurring opinion. Mr. Cohen filed a concurring opinion, which Judge Weinstein joined.

Two members, Judge Thomas A. Klonick and Judge Terry Jane Ruderman,³ dissented as to the sanction and voted for removal. Judge Klonick filed a dissenting opinion, which Judge Ruderman joined.

There is currently one vacancy on the 11-member Commission.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“No one should invoke the prestige of judicial office for private gain. While there is disagreement over the appropriate sanction in this case, there is no doubt that Judge Dixon's misconduct was serious and warrants public discipline.

“This case is a study in ethical contrasts. Twice, Judge Dixon acted improperly and in the process put another judge at risk. Yet that other judge, J. Scott Odorisi, responded responsibly, tried to prevent a colleague from acting unethically and acted honorably throughout.”

³ The vote in this matter was taken on March 10, 2016. Judge Ruderman's term as a member of the Commission expired on March 31, 2016. Judge Ruderman was replaced by Hon. Sylvia G. Ash, who did not participate in this matter.

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 Dixon received it on June 6, 2016, 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 Dixon does not request review by the Court of Appeals, the Commission will censure her 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 316 determinations of censure against judges in New York State. The Commission has issued 169 determinations of removal and 261 determinations of admonition.

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. One request for review is pending.

Counsel

In the proceedings before the Commission, Judge Dixon was represented by Lawton W. Squires, of Herzfeld & Rubin, 125 Broad Street, New York, New York 10004, (212) 471-8494.

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. Senior Investigator Rebecca Roberts assisted in the investigation.

Background Information on Judge Dixon

First took office:	2007
Year Admitted to NYS Bar:	1996
Current Term Expires:	December 31, 2016
Salary:	\$173,700
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
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2020
Paul B. Harding, Esq., Vice Chair	Assembly Minority Leader Brian M. Kolb	March 31, 2017
Hon. Rolando T. Acosta	Former Chief Judge Jonathan Lippman	March 31, 2018
Hon. Sylvia G. Ash	Chief Judge Janet DiFiore	March 31, 2020
Joel Cohen, Esq.	Former Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Richard D. Emery, Esq.	Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Hon. Thomas A. Klonick	Former Chief Judge Jonathan Lippman	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