



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

August 15, 2016

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Albany City Court Judge Resigns, Ending Inquiry into Misconduct Allegations

The New York State Commission on Judicial Conduct announced that Albany City Court Judge Thomas K. Keefe has resigned from office effective September 30, 2016, and has agreed never to seek or accept judicial office at any time in the future. The Commission accepted a stipulation to that effect signed by the judge and the Commission's Administrator, and the proceeding is now closed.¹

Judge Keefe entered into the stipulation after a referee sustained 10 of 13 misconduct charges against him and after being apprised that the Commission's Administrator would recommend his removal from office.

Judge Keefe was served with a Formal Written Complaint dated November 13, 2014, containing 13 charges alleging *inter alia* that the judge:

- Made impatient, discourteous and undignified remarks to and about the Albany County District Attorney's Office, conveying an appearance of bias against the DA's office;

¹ The Stipulation was signed on August 5, 2016. The Commission accepted it on August 11, 2016, and has now confirmed that Judge Keefe received its decision.

- Made undignified remarks to a defendant;
- Dismissed charges *sua sponte* in two cases in violation of the Criminal Procedure Law;
- Engaged in *ex parte* meetings and conversations with a defendant, defendant's family members or counsel; and,
- Directed a defendant not to contact her attorney in violation of the defendant's constitutional rights and remanded the defendant to jail for one week for calling her attorney.

Judge Keefe had served as a Judge of the Albany City Court since 2003.

Judge Keefe waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's order accepting it and closing the case would be public.

The stipulation and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov.

The Commission Proceedings

Judge Keefe was served with a Formal Written Complaint dated November 13, 2014, containing 13 charges. Judge Keefe filed an Answer dated December 31, 2014, and an amended Answer dated September 10, 2015.

The Commission designated Hon. Stewart A. Rosenwasser as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on June 23-25 and September 16-18, 2015.

After the parties submitted post-hearing briefs, the referee issued a report dated June 13, 2016, in which he sustained 10 of the 13 charges. The Commission set a schedule for briefs, and oral argument was calendared for October 20, 2016, but in light of the resignation stipulation, further proceedings are unnecessary.

Statistics Relating to Prior Commission Decisions

The Commission has accepted 62 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 261 determinations of admonition against judges in New York State, 316 determinations of censure and 169 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. One request for review is pending.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement:

"I believe Judge Keefe's conduct was such that removal from office was warranted. His permanent resignation is an appropriate resolution."

Counsel

In the proceedings before the Commission, Judge Keefe was represented by Mark S. Mishler, 750 Broadway, Albany, New York 12207, (518) 462-6753; and Stephen F. Downs, 26 Dinmore Road, Selkirk, New York 12158, (518) 767-0102.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Cathleen S. Cenci, Deputy Administrator in Charge of the Albany office; and Staff Attorney S. Peter Pedrotty. Senior Investigator Ryan Fitzpatrick assisted in the investigation.

Background Information on Judge Keefe

First took office:	2003
Current Term Expires:	12/31/2022
Year Admitted to NYS Bar:	1983
Salary:	\$173,700

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
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
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
Vacant	Chief Judge	March 31, 2020