



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Judicial Conduct Commission Reports Record Number of Complaints and Inquiries in 2017, Continued Lack of Adequate Funding and Further Staff Reductions

The New York State Commission on Judicial Conduct received 2,143 complaints in 2017 – the highest number in its history and a 10% increase from the year before.¹ The Commission also reported a record high number (605) of preliminary inquiries² and conducted 341 investigations: commencing 148 new ones and continuing 193 from the year before. The information is reported in the Commission’s newly released Annual Report, available online at www.cjc.ny.gov.

At the same time, budget constraints over the last decade have led to a 19% reduction of the Commission’s staff to the current 41½, which is the lowest level since 2006.

There were 16 public dispositions in 2017. One judge was removed from office, seven were censured or admonished, and eight resigned with a public stipulation never to return to judicial office. Eleven others resigned from office while

¹ 1944 complaints were received in 2016. The 2,143 new complaints in 2017 also represent a 12% increase over the 5-year average of 1916 complaints per year.

² An initial review and inquiry is the preliminary analysis, clarification and fact-finding intended to aid the Commission in determining whether or not to investigate a particular complaint.

complaints against them were still pending, but where it had not yet been determined that the judge's permanent departure from office was warranted.³

The Commission also issued 29 confidential cautionary letters in 2017.

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 typically includes summaries and copies of the Commission's public decisions, statistics for the past year and overall records dating to the agency's inception in 1978, as well as information on the temporary commissions that preceded it starting in 1974.⁴

The Report also includes commentary on various ethics issues that arise regularly. This year, the topics are (1) judges who improperly assert the prestige of their office for personal gain and (2) the fiduciary obligations of town and village court justices.

Comparative Statistics, Judicial Conduct Commission			
	2017	2016	5-Year Average
Complaints	2143	1944	1916
Initial Inquiries	605	420	494
New Investigations	148	177	165
Public Decisions	16	13	15
Resignations	19	17	17
Cautions	29	23	23
Pending Year-End	173	193	188

³ The Commission notifies the judges in such situations that proceedings against them would resume were they ever to return to the bench.

⁴ 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.

The Commission's Budget

The Commission's budget has been virtually static for a decade. To meet rising expenses each year on the same dollar amount, the Commission has had to reduce its staff by 19%. Its current count of 41½ employees is the lowest in 11 years. The Commission has no money for such necessities as professional stenographers, relying instead on secretaries to produce transcripts laboriously from audio tapes while discharging their other duties. All this means it takes longer to dispose of its ever-increasing business.

To manage its rising case load, meet mandated increases in rent and other contractual obligations, avoid further reductions in staff and services, and discharge its constitutional obligations in a timely manner, the Commission has requested a \$541,000 increase over its current \$5,584,000 budget for the fiscal year beginning April 1, 2018.⁵ The Executive Budget has recommended an increase of \$112,000, most of which will cover rent increases on its office space.

1975-2017 Statistics

Since 1975, the Commission or its predecessors have received 56,523 complaints and conducted 8,994 investigations. Through 2017, 856 judges were disciplined for judicial misconduct, including 170 judges who were removed from office. In addition, 1,614 judges have been confidentially cautioned, and 568 judges resigned while under investigation or formal charges.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“The Judicial Conduct Commission is a notable success story in governmental ethics enforcement. Year after year, with insufficient resources but committed members and a dedicated staff, the Commission promotes public confidence in the integrity of the courts by disciplining those judges who have engaged in misconduct, and exonerating those who have been wrongly accused. It also protects the independence of the judiciary by absorbing and even defusing the criticism of those who disagree with a judge's rulings.”

⁵ See the Commission Administrator's annual budget statement to the Legislature at: <http://cjc.ny.gov/General.Information/Gen.Info.Pages/LegislativeBudgetHearing.2018-19.JudicialConduct.RobertTembeckjian.pdf>

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 2017

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 2017:

Joseph W. Belluck, Esq., Chair
Paul B. Harding, Esq., Vice Chair
Hon. Rolando T. Acosta (Until 6-30-17)
Joel Cohen, Esq.
Jodie Corngold
Richard D. Emery, Esq. (Until 3-14-17)
Hon. John A. Falk (Appointed 4-1-17)
Taa Grays, Esq. (Appointed 3-15-17)
Hon. Thomas A. Klonick (Until 3-31-17)
Hon. Leslie G. Leach
Hon. Angela M. Mazzarelli (Appointed 7-1-17)
Richard A. Stoloff, Esq.
Hon. David A. Weinstein
Akosua Garcia Yeboah