



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

July 5, 2018

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Otsego County Town Court Justice Should be Admonished for Misconduct Related to a Mortgage Dispute

The New York State Commission on Judicial Conduct has determined that William J. Fisher, a Justice of the Worcester Town Court, Otsego County, should be admonished for improperly entering a home at the center of a mortgage dispute and later posting pictures and making derogatory comments on Facebook about the homeowner.

Judge Fisher agreed to the admonition.

Judge Fisher's wife was co-executor of an estate that held the mortgage on a house occupied by Ms. "S." In 2015, Judge Fisher, without notice or permission, entered the house after Ms. "S" allegedly defaulted on the mortgage, took photos to document the physical condition of the premises, then posted the photographs on his wife's Facebook account with the caption "Mom and Alton are turning over in their graves," referring to the deceased relatives who left the estate. Two years later the judge posted photos of the property to his own Facebook account, including four he had taken during his improper entry in 2015. He compounded the misconduct by failing to remove the offensive Facebook post promptly after the Commission confronted him, despite promising to do so.

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In its determination the Commission said it was “unpersuaded” by his claims that he believed he could lawfully enter the property to inspect it due to his spousal connection. The Commission was particularly critical of Judge Fisher’s 2017 Facebook post, since by that time he “knew that the Commission was investigating his court’s handling of cases in which S. was the complaining witness” and, as the judge admitted, the post was “retaliatory in that he was upset that S. had repeatedly and publicly accused him and his co-judge of misconduct.”

In accepting the sanction of admonition, the Commission noted that the judge “acknowledged the impropriety of his conduct and has pledged to be more circumspect in the use of social media in the future.”

Judge Fisher, who is not an attorney, has served as a judge since 1991. His current term expires on December 31, 2018.

The Commission Proceedings

Judge Fisher was served with a Formal Written Complaint dated February 23, 2018, containing one charge.

On March 20, 2018, the Administrator of the Commission, Judge Fisher and Judge Fisher’s attorney entered into an Agreed Statement of Facts, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on June 13, 2018.

The Commission Determination

The Commission filed a determination dated June 26, 2018, in which all 10 members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Paul B. Harding, Esq. (the Vice Chair), Jodie Corngold, Judge John A. Falk, Taa Grays, Esq., Judge Leslie G. Leach, Judge Angela M. Mazzarelli, Marvin Ray Raskin, Esq., Richard A. Stoloff, Esq., and Akosua Garcia Yeboah.

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

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Judges carry with them the mantle of judicial office both on and off the bench. They must therefore always be mindful that inappropriate personal behavior may undermine public confidence in the judiciary and result in discipline, as it did here for Judge Fisher.”

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 Fisher received it on June 28, 2018, 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 Fisher does not request review by the Court of Appeals, the Commission will admonish him 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 269 determinations of admonition against judges in New York State. The Commission has issued 172 determinations of removal and 321 determinations of censure.

The Court of Appeals has reviewed 97 Commission determinations. The Court accepted the Commission's sanctions in 81 cases (72 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

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rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings. Two requests for review are pending.

Counsel

In the proceedings before the Commission, Judge Fisher was represented by Michael L. Breen, Esq., 109-1 Railroad Avenue, P.O. Box 982, Middleburgh, New York 12122, (518) 827-4320.

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

Background Information on Judge Fisher

First took office:	1991
Current Term Expires:	December 31, 2018

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:

<p>61 Broadway Suite 1200 New York, New York 10006</p>	<p>Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223</p>	<p>400 Andrews Street Suite 700 Rochester, New York 14604</p>
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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, 2021
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Taa Grays, Esq.	Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
Hon. Angela M. Mazzairelli	Chief Judge Janet DiFiore	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Richard A. Stoloff, Esq.	Former Senate President Pro Tem Dean Skelos	March 31, 2019
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021
Vacant	Governor Andrew M. Cuomo	March 31, 2022