



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*December 12, 2018*

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### **Town Court Justice in Jefferson County Resigns After Being Charged with Making Homophobic Remarks**

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LeRay Town Court Justice John W. Hallett (Jefferson County) has resigned while under formal charges by the New York State Commission on Judicial Conduct for allegedly making homophobic and inappropriate remarks and gestures to an attorney. Judge Hallett, who will resign from office effective December 31, 2018, 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 closed its formal proceeding.<sup>1</sup>

Judge Hallett was served with a Formal Written Complaint dated August 16, 2018, containing one charge alleging that, in January 2017, he made the following statements at the Jefferson County Court Complex while conversing with an attorney who was promoting a film festival at which the actor Viggo Mortensen was the honoree: (1) The film festival was "about the gayest thing I have ever heard," and (2) "You and Viggo Mortensen should get a hotel room and suck each other's dicks." Five months later, while conversing with the same attorney, the

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<sup>1</sup> The Stipulation was signed on November 26, 2018. The Commission accepted it on December 6, 2018, and thereafter closed the matter.

judge allegedly (1) made a gesture with his hand to his mouth to connote oral sex and (2) thereafter patted the attorney lightly on the cheek and stated, “there, there, little boy.”

Judge Hallett 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](http://www.cjc.ny.gov).

### **Statistics Relating to Prior Commission Decisions**

The Commission has accepted 82 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 269 determinations of admonition against judges in New York State, 323 determinations of censure and 172 determinations of removal.

The Court of Appeals has reviewed 99 Commission determinations. The Court accepted the Commission’s sanctions in 83 cases (74 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.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“Homophobic remarks and anti-LGBTQ sentiments have no place in the lexicon of the courts or the vocabulary of a judge. Such statements undermine public confidence in the integrity and impartiality of the judiciary, which demands that a judge be and appear fair-minded and unprejudiced toward all who have business in the courts.”

**Counsel**

In the proceedings before the Commission, Judge Hallett represented himself.

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 M. Kathleen Martin. Investigator Betsy Sampson assisted in the investigation.

**Background Information on Judge Hallett**

First took office:	2003
Term Expires:	December 31, 2019
Year admitted to NYS Bar:	1989
Salary:	\$18,500 (Source: Town of LeRay 2018 Budget)

**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**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
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. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	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