



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

April 23, 2018

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Clinton County Town Court Justice Resigns While Under Investigation for Misconduct in an Eviction Case

The New York State Commission on Judicial Conduct announced that Kenneth N. Lafave, a Justice of the Ellenburg Town Court, Oneida County, who resigned from office effective March 20, 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, his attorney and the Commission's Administrator and closed its formal proceedings.¹

Judge Lafave was served with a Formal Written Complaint dated February 16, 2018, containing one charge, alleging that while presiding over an eviction case, the judge failed to be faithful to the law and maintain professional competence in it, made angry, discourteous and/or biased statements to the litigants and a lawyer with whom he dealt, and initiated and considered unauthorized *ex parte* communications, *i.e.* conversations with one side without the knowledge or permission of the other.

¹ The Stipulation was signed on April 3, 2018. The Commission accepted it on April 12, 2018, and thereafter issued an Order closing the matter.

Judge Lafave, who is not an attorney, had served as a Justice of the Ellenburg Town Court since 2013. His current term would have expired on December 31, 2020.

Judge Lafave 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.

Statistics Relating to Prior Commission Decisions

The Commission has accepted 73 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 268 determinations of admonition against judges in New York State, 321 determinations of censure and 171 determinations of removal.

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 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.

“A judge must be and appear fair and impartial. Public confidence in the courts is undermined when a judge has unpermitted communications with only one side in a case, acts discourteously or makes statements indicating bias against participants.”

Counsel

In the proceedings before the Commission, Judge Lafave was represented by William T. Meconi, Esq., 97 Prospect Avenue, Plattsburgh, New York 12901 (518) 561-3700.

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 Eteena J. Tadjioqueu. Senior Investigator Ryan Fitzpatrick assisted in the investigation.

Background Information on Judge Lafave

First took office: 2013
Current Term Expires: December 31, 2020

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, 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
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