



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

July 25, 2018

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Herkimer County Town Court Justice Should be Censured for Delaying a Small Claims Proceeding and Failing to Record Appearances in Court

The New York State Commission on Judicial Conduct has determined that John M. Skinner, a Justice of the Columbia Town Court, Herkimer County, should be censured for delaying and improperly handling a small claims action and failing to mechanically record any court proceedings for more than eight years.

Judge Skinner agreed to the censure.

From May 2015 to November 2016, while presiding over a small claims matter, Judge Skinner unduly delayed holding a hearing for 17 months, adjourning the matter at least three times despite the fact neither party ever requested an adjournment. He also failed to decide the defendant's request for a jury trial until after he rendered a decision, making the jury request moot. When the defendant appealed the judge's ruling, Judge Skinner then failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court.

Compounding the misconduct, Judge Skinner never mechanically recorded any court proceedings during his tenure as a judge, notwithstanding a statewide Administrative Order requiring all town and village court justices to do so.

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In its determination the Commission stated: “The ethical standards require every judge to dispose of court matters ‘promptly, efficiently and fairly.’...This goal is thwarted when a simple matter that could have been resolved expeditiously is delayed for over a year through no fault of the parties.” The Commission found that the judge’s “apparent uncertainty about how to process the defendant’s demand for a jury trial obviously [did] not excuse the excessive delay.”

As to the failure to mechanically record court proceedings, the Commission noted that “while the cases that have come to the Commission’s attention in this regard have generally involved judges who may have forgotten to turn on the recorder in isolated instances...[Judge Skinner’s] decision to simply ignore this important requirement by failing to record any proceedings whatsoever was unprecedented and grossly improper.” Judge Skinner told the Commission that he did not know how to operate the laptop recording system but conceded that, until recently, he never sought assistance in learning how to do so.

In accepting the jointly recommended sanction of censure, the Commission noted that the judge acknowledged his misconduct and reminded “all judges of the numerous resources provided by the court system that are available to them.”

Judge Skinner, who is not an attorney, has served as a judge since 2009. His current term expires on December 31, 2020.

The Commission Proceedings

Judge Skinner was served with a Formal Written Complaint dated February 14, 2018, containing two charges, and filed an Answer dated April 10, 2018.

On June 6, 2018, the Administrator of the Commission and Judge Skinner 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.

“A judge is obliged to maintain professional competence in the law and judicial administration so that, among other things, people with legal claims can have them heard and decided in a timely manner, and so that proper records are kept to facilitate appeals. We believe that, going forward, Judge Skinner will avail himself of the resources made readily available by the court system to help town and village justices.”

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 Skinner received it on July 24, 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 Skinner does not request review by the Court of Appeals, the Commission will censure 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 322 determinations of censure against judges in New York State. The Commission has issued 172 determinations of removal and 269 determinations of admonition.

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. Two requests for review are pending.

Counsel

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

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

Background Information on Judge Skinner

First took office: 2009
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 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:

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

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