

FIRST REPORT
OF THE
TEMPORARY STATE COMMISSION
ON JUDICIAL CONDUCT
TO
THE GOVERNOR, THE LEGISLATURE AND
THE CHIEF JUDGE OF THE
COURT OF APPEALS
OF THE
STATE OF NEW YORK

OCTOBER 1975



TEMPORARY STATE COMMISSION
ON JUDICIAL CONDUCT

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LETTER OF TRANSMITTAL

*To the Governor, Legislature and Chief Judge of the Court of Appeals
of the State of New York:*

Pursuant to Section 42(4) of the Judiciary Law, the Temporary State Commission On Judicial Conduct respectfully submits this first report of its activities during the year 1975, together with its legislative recommendations.

Respectfully submitted,

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FIRST REPORT OF THE TEMPORARY
STATE COMMISSION ON JUDICIAL CONDUCT

I. THE FORMATION OF THE COMMISSION

The Temporary State Commission On Judicial Conduct was established by the legislature in 1974 to investigate complaints of judicial misconduct and initiate investigations on its own motion.* The legislation authorizes the Commission to conduct hearings, subpoena witnesses and records and confer immunity. The Commission may conduct formal adversary hearings. If the Commission determines, with or without a hearing, that a complaint warrants action, it may make "suggestions and recommendations" to the judge who is the subject of the complaint or recommend that a disciplinary proceeding be instituted to determine whether a judge should be removed. The Commission itself has no power to remove judges. The nine-member Commission is comprised of three people appointed by the Governor (one lawyer and two lay persons), two by the Chief Judge of the Court of Appeals (both judges) and four by the legislative leaders (the Speaker and minority leader of the Assembly and the majority and minority leaders of the Senate). By law, there must be two judges and at least two lay people on the Commission.

*This legislation created the 38th state commission on judicial conduct in the country. The much-heralded California Commission has been a model for the other Commissions. In New York State, a Commission prototype was urged by the Dominick Commission (The Temporary Commission On the New York State Court System) as well as by other agencies and individuals. The 1974 legislation followed two or three years of media attention to the courts and criticism of some judges.

The membership presently consists of two judges, four lawyers and two lay people.* There is one vacancy. The first Chairman, selected by the members, was William F. Fitzpatrick, Esq., of Syracuse, who served a one year term on the Commission from August 15, 1974 to September 9, 1975. The present Chairwoman is Mrs. Gene Robb, of Latham. The other members are: Howard Coughlin, of Yonkers; Supreme Court Justice (Associate Justice of the Appellate Division, Second Department) James D. Hopkins, of Armonk; Michael M. Kirsch, Esq., of Brooklyn; Victor A. Kovner, Esq., of New York City; William V. Maggipinto, Esq., of Sag Harbor; Supreme Court Justice Ann T. Mikoll, of Buffalo; and Carroll L. Wainwright, Jr., Esq., of New York City. William B. Lawless, Esq., served from August 15, 1974 until his resignation on May 9, 1975. On December 26, 1974, Gerald Stern, Esq., commenced his duties as Administrator of the Commission.

Much of the Commission's efforts during the first few months were devoted to resolving a wide range of administrative problems which invariably develop when a new agency is established. Locating and arranging for office space, purchasing and renting furniture and equipment, establishing office procedures and forms, attending to problems of records management and complying with state procedures for salaries, benefits and expenses have taken considerable time.

*Appendix A sets forth brief biographies of the present members and their terms of office.

Four attorneys hired on a temporary (per diem) basis because of budgetary uncertainties worked for the Commission after the office was established on January 10, 1975 at 801 Second Avenue, New York, New York. The hiring of per diem employees meant that the full-time professional staff, by the time it was finally assembled, was not presented with a huge backlog of cases. This also enabled the Commission to get started quickly on some key investigations. The professional staff now consists of six full-time attorneys.

Commission offices will be established in Albany and Buffalo in the very near future, and efforts are being made to find appropriate office space and to hire staff. Both offices will be staffed with two or three attorneys as well as clerical help and investigative aides. The New York City staff has not yet investigated fully all the allegations of misconduct upstate. The opening of the upstate offices will speed the conclusion of the investigations that are still pending and permit the Commission to initiate new investigations statewide.

II. COMMISSION INVESTIGATIONS

A. Procedures

The Judiciary Law provides that a complaint to the Commission shall be written and verified "unless the Commission shall otherwise direct." The Commission decided that not only

was verification of complaints unnecessary, but that requiring a written complaint might discourage some valid complainants. The Commission, therefore, provided by rule that the initial complaint may be either written or oral, although written complaints are encouraged.

When a complaint is received, it is presented to the Commission for review and a determination whether there is jurisdiction to investigate. Where the Commission has jurisdiction, the staff does the initial investigation and reports periodically to the Commission.

The full Commission is kept abreast of all investigations and makes all final determinations as to the disposition of complaints. By law, subpoenaed testimony during investigations may be taken only before the Commission or a panel of members. Although the law permits panels to exercise the full authority of the Commission, it is the current practice to have panels act only as investigating bodies reporting to the full Commission. The determination to request a removal proceeding must be made by the full Commission, according to its rules. The staff participates actively in all phases of investigations and assists the Commission by marshalling and analyzing evidence. Due process is safeguarded for those who are the subject of investigations. Procedural rights are set forth in Judiciary Law, Section 43, and in the "Operating Procedures and Rules" of the Commission, promulgated

on January 20, 1975, pursuant to the Judiciary Law.*

B. Scope of Jurisdiction

Approximately 3,500 judges are subject to the investigative authority of the Commission. These judges, including 2,400 town and village justices, are from every court in the state court system. Most of the judges in the state preside part-time. Many of these judges are from small rural and suburban areas. Some hold court in their homes, police precincts, city halls and in places not generally perceived as courthouses. Many conduct court during evening hours, two or three days each week. The 1,000 full-time judges generally preside during normal working hours.

The Commission has jurisdiction over such complaints as rudeness, undue delay and related administrative incompetence, dishonesty, bias, conflicts of interest, laziness or unfitness for office by virtue of some mental or physical disability. Basic guidelines for judicial conduct include the rules of the Administrative Board, the rules of the Appellate Division (incorporating the Code of Judicial Conduct), the laws of the State and general standards of civility expected of persons in judicial office. Existing written standards are sometimes specific, but very often they require

*Appendix B consists of the "Operating Procedures and Rules of the Temporary State Commission On Judicial Conduct."

the Commission to determine whether alleged conduct is covered by a general prohibition against "impropriety" or "the appearance of impropriety." The rules of the Administrative Board, for example, require that judges: be "patient, dignified, and courteous," accord parties or their attorneys "full right to be heard," "dispose promptly of the business of the court," "diligently discharge [their] administrative responsibilities," and disqualify themselves when their impartiality "might reasonably be questioned" (Section 33.3). Judges may not engage in financial and business dealings that "tend to reflect adversely on [their] impartiality" (Section 33.5). The same section of the rules bars most full-time judges from active participation in private industry and places restrictions on the acceptance of gifts and the practice of law by part-time judges. Political activity is prohibited (Section 33.7).

The majority of complaints received by the Commission do not concern judicial misconduct. The most frequent complaints come from disappointed litigants or criminal defendants who allege that a judge's ruling or decision was wrong. This falls outside the jurisdiction of the Commission. The complaint comes in different forms and is expressed in a variety of ways. An articulate complainant may use the language of misconduct, while actually urging that the ruling or decision was wrong. Allegations of fraud, incompetence, corruption, disregarding evidence, bias, favoritism and the like cannot and should not serve to instigate inquiries when the underlying complaint really concerns the wisdom

of a judicial ruling and may only properly be heard in an appellate court. Quite often, the complainant seeks relief (i.e., a new trial, reduction of support payments or release from prison) which can only be granted by a court of law.

The Commission's role is to seek out judicial misconduct, and it recognizes its responsibility to pursue only meritorious complaints. There must continue to be an independent judiciary, unhampered by continual inquiry into its motives and rulings. Judges should not be compelled to justify their every move, and a review procedure should not operate as an impediment to the judicial branch. Thus, the Commission does not compel a judge to justify or explain a ruling or decision in the absence of any wrongdoing.

Occasionally, relatives and friends of defendants complain that judges are too harsh. More often, charges of leniency are made with respect to dealing with criminal defendants. The charge of leniency in the courts has been made over the past several years by many people for many different reasons. In some cases, the charge that the judges are "soft" on crime is politically expedient. Rising crime rates constitute a serious social problem and easy solutions are sought. There is much ignorance of constitutional and procedural safeguards, and the result is that judges and courts are criticized.

Recently, the Family Courts have come under fire for what is deemed overly protective treatment of juvenile offenders.

Low bail decisions in criminal cases have also been criticized, as have "plea bargaining," minimum prison sentences and probation. It would be unusual in light of increasing public disapproval for the Commission not to receive complaints of this nature. The most difficult complaints to respond to are written by victims of crime or their friends or relatives. One must feel sympathy for these people, but there is little, if anything, that can be done by the Commission. Clearly, in the absence of other indications of misconduct, the Commission cannot take jurisdiction over these matters. Judges must be allowed to exercise their discretion, and the Commission cannot substitute its judgment for that of a judge in matters of law.

It is also not within the Commission's jurisdiction to make recommendations on these broad and very complex subjects. Criticism of the courts in this regard is open and highly visible, and the Commission presumes that all three branches of state and local governments are aware of it. The Commission would get far afield from its primary duties if, for example, it entered the debate on the treatment of juvenile offenders.

On the other hand, when it appears from a cluster of complaints that the public might be better served if some legislative or administrative improvements to the judicial system were made, the Commission will take note of the problems and offer recommendations. The Commission's monitoring of the Summons Parts in New York City, a subject to be pursued later in this report, is

an example of a subject that merits its attention. Similarly, the Commission offers observations in this report on the overriding concern by some judges for speedy dispositions and the consequent inattention to the appearance of justice. Another subject to be explored in this report deals with apparent conflicts of interest that sometimes occur when part-time judges attempt to balance their judicial duties with their law practices.

C. Initiating Investigations by the Commission

Although complainants are an important source of information, the Commission is well aware that a good deal of misconduct goes unreported. Although attorneys should be an important source of complaints, it is unfortunate, but apparent, that many attorneys are reluctant to report injudiciousness. Litigants, who are the largest source of complaints, may still be unaware of the Commission or, as lay persons, they may be unaware of what constitutes misconduct on the bench. Moreover, a litigant has a very narrow experience in court and can witness only a limited area of potential misconduct. Much of the misconduct identified to date by the Commission cannot be observed in court. If the Commission is to participate in the enforcement of the full spectrum of ethical standards, there must be other sources developed to initiate inquiries. Where there is no actual complainant, but where there is evidence of possible misconduct, the Commission initiates investigations on its own motion.

1. Monitoring

Monitoring can be a valuable tool for determining a judge's courtroom demeanor. Staff members have observed the court behavior of judges, both in an attempt to verify the claims of the complainant and to follow up on "leads" obtained, for example, from newspaper articles. Even after a complaint is dismissed for lack of sufficient evidence of misconduct, a judge's courtroom may be monitored by Commission staff observers. Monitoring may give rise to a subsequent inquiry which in turn may lead to proof of misconduct. In addition, monitoring is useful for more than uncovering or substantiating evidence. It is likely that judges will exhibit more temperate and judicious behavior as a direct result of knowing or simply believing that their behavior is being observed. Monitoring, therefore, is not only a valuable investigatory tool, but a valuable deterrent as well.

Staff observation has been somewhat limited to the New York City area, since the Commission's sole office is in Manhattan. Because there is a statewide need for monitoring, plans are now being formulated for a comprehensive monitoring program. The possibility of coordinating the monitoring efforts of civic-oriented groups, such as the League of Women Voters, the Fund for Modern Courts and the Church Women United, is being explored. Such organizations have begun to set up committees which monitor local courts on a regular basis. Organized channels will be established through which local volunteer monitoring efforts will be reported to the Commission.

The Commission will play an important role in assisting groups interested in monitoring to establish meaningful guidelines. Citizens can be effective monitors if they are trained properly. The Commission staff will assist monitoring programs by helping to train monitors to understand court proceedings and recognize misconduct. Monitoring forms have already been reviewed by the Commission staff and appropriate suggestions made in connection with one federally funded program and one law school program. One law school has expressed an interest in participating in the Commission's work by offering law students course credits for court monitoring of judicial conduct. The Commission already employs law students to do monitoring under the supervision of the staff.*

2. Other Sources of Information

District attorneys' offices have been informed of the Commission's existence and purpose, and efforts are being made to seek cooperation from these and other law enforcement agencies. Some have promised to cooperate with the Commission by turning over any evidence of possible misconduct by a judge that falls short of actual criminality. Such cooperative efforts have, to some extent,

*In some cases, our monitors have been asked by judges or court personnel to identify themselves. Compelling people to state their name and purpose may have a chilling effect on the viewing of court proceedings by the public. People should be encouraged to visit courts, and should not be embarrassed by having to explain the nature of their visit. Judges should be advised not to interfere with the public's right to be present in court.

already proved to be fruitful.

There is a good deal of information which comes to the Commission in an informal manner. Since it is the Commission's policy to be responsive to reports of judicial misconduct and criticism of the judiciary, anonymous letters are considered and, in appropriate instances, may serve to launch inquiries. Other information is also considered. By the nature of its work, the Commission staff meets with attorneys, prosecutors, law enforcement personnel and many others who have knowledge of the courts. Observations from these sources are likely to be more accurate than the average letter of complaint received by the Commission.

Several hundred attorneys have been interviewed in the course of the Commission's investigations. Discussions with them inevitably have covered their perception of misconduct in the courts and judges not under inquiry. This kind of information may lead to monitoring or some other inquiry to ascertain the accuracy of the information and the degree of the possible misconduct.

Because litigants and lawyers are important sources of information, the Commission must be highly visible if it is to receive complaints and other allegations about judicial misconduct. The Commission has sought to reach attorneys by notifying bar associations within New York State of the Commission's existence and purpose. Articles about the Commission by the Administrator were published in three major law journals in the state, and the

Commission has invited attorneys to submit complaints. All major newspapers have also been advised of the Commission's existence and have been asked to publicize the Commission's address so that citizens will know where to send their complaints.

3. Newspaper and Other Media Reports

The Commission recognizes the value of newspapers as a source of information. Media criticism of judges and reports of alleged judicial misconduct are investigated by the Commission. The Commission purchases every major newspaper in the state, and a law student or clerk reads all of them daily for any press reports of judicial conduct which might give rise to a Commission inquiry. Newspaper reports have already led to the commencement of several significant investigations.

D. Cases Received and Investigated

The Commission received 285 complaints as of August 30, 1975.* Of these, 163 were dismissed after preliminary review. One hundred and twenty six of the dismissed complaints concerned the merits of particular cases. Thirty-four complaints alleged misconduct by attorneys or non-judicial officers. Other complainants wrote that they believed they had been denied due process, but very few related their complaints to alleged misconduct by a

*Appendix C provides more detailed information on complaints received.

judge. The rest of the complaints which were dismissed contained totally unsubstantiated allegations of corruption or bias or were founded on administrative problems, such as minor court delays. Some complainants were worried about the leniency or harshness of the courts, as noted earlier. In 14 of the dismissed cases, the Commission was able to refer the complainants to a more appropriate agency.

A total of 82 cases were earmarked for investigation. Of these, 51 complaints were directed at poor judicial demeanor. These allegations, from various parts of the state and in various courts, included instances of rudeness to litigants, lawyers and jurors and judicial pressure to settle cases. A few reports suggested mental or physical impairment. Other complaints which appeared to have merit concerned bias, corruption or conflict of interest. A few complaints were closed after investigation. Other cases are in various stages of investigation.

The investigations begun in the past year have concerned many different types of misconduct. The press drew our attention to middle-of-the-night court proceedings which resulted from requests by attorneys who were fortunate enough to know personally the judges involved. Another investigation initiated by the press concerned a judge who allegedly ordered that a person be brought before him in handcuffs so that the judge could berate him for conduct not associated with any case before the judge.

One investigation revealed that a judge accepted gifts from a law firm that regularly appeared before him.

The part-time judges who were investigated were alleged to have mixed their law practices with their judicial functions. Intensive investigations by the Commission indicated that these judges presided over cases of former clients. One of the judges acknowledged having presided over cases involving parties he was then representing in other matters. In the cases examined by the Commission, the judges appeared to have extended favorable treatment to their clients.

A judge was characterized as habitually rude. Many lawyers, litigants and witnesses who had appeared before the judge were interviewed. They related incidents of intemperance, injudiciousness, partiality, rudeness, impatience and shouting by the judge, both in open court and in private conferences. The judge in open court frequently accused attorneys, litigants and witnesses of what he considered to be fraud, perjury or other misconduct.

One Commission investigation revealed that a judge sought sexual favors from female litigants who appeared before him; another judge was suspected of similar misconduct with a female litigant. Departure from the bench rendered both investigations moot.

The following reflects other alleged misconduct

investigated by the Commission:

- a judge engaged in partisan political activities;
- a judge descended from the bench to confront a defendant who had just cursed him and a fight ensued;
- a judge repeatedly used vulgar and insulting language in addressing attorneys during the course of a hearing;
- a judge who was not permitted to purchase a ticket to a high-priced political dinner, but could go as an "invited guest" (according to rules no longer in force), went as the "invited guest" of his wife;
- a part-time judge regularly appeared as an attorney before another part-time (lawyer) judge in the same county, in violation of an Administrative Board rule;
- a judge repeatedly ridiculed an attorney in front of a jury for what the judge alleged was lack of competence;
- a judge addressed black youths in his courtroom in their "dialect;"
- a judge assigned his law secretary to preside daily in court from the bench over calendar calls and rule on contested applications.

E. Action by the Commission

Once a complaint is investigated, the Commission may act upon it in different ways. In some cases, the Commission advised judges that it disapproved of particular actions. Admonitions are often appropriate when there is no serious impropriety,

especially since it is our policy to follow up and determine whether the admonitions have been instrumental in effecting change.

When the Commission identifies misconduct it may recommend that the Court on the Judiciary be convened or a hearing commenced by an Appellate Division. The Court on the Judiciary has jurisdiction over judges of the Court of Appeals, Court of Claims, Supreme Court, Surrogates Court, County Court and Family Court. Judges of all other courts are subject to the jurisdiction of their respective Appellate Divisions. Hearings before the Court on the Judiciary, the Appellate Divisions or hearing officers assigned by these courts are commonly known as "removal" proceedings, although even if the evidence establishes misconduct the action taken may be less severe than removal.

A total of five "removal" proceedings have been recommended recently by the Commission. The recommendations were made after extensive investigations revealed serious improprieties that might render the judge unfit for judicial office. In each instance the Commission submitted a full report, proposed charges, and transcripts of investigatory proceedings before the Commission. In three of the five cases the proposed charges included giving false testimony under oath before the Commission. One other investigation has been completed and the Commission believes that false testimony was given by the judge involved. Appropriate disciplinary action will be sought.

III. RECOMMENDATIONS CONCERNING COURT ADMINISTRATION

A. Recommendations Already Made

Several recommendations have been made to the Office of Court Administration over the past several months by the Commission. The Commission has urged that regulations be established to cover after-court applications for release of defendants following their arrest. Judges have heard bail applications in felony cases in the absence of assistant district attorneys under circumstances which make it appear as though a defendant has special influence, and the Commission is convinced that appropriate rules are needed. Specific guidelines should be adopted which would regulate the practice, prohibiting it under certain circumstances and defining when it may be appropriate to preside after court hours.

The Commission asked that judges be advised to stop the practice of requiring defendants to agree not to sue for damages as a quid pro quo for the dismissal of criminal charges. In these instances, the judge participates in an effort to discourage a suit for false arrest and generally succeeds in extracting a promise from a defendant that he will not sue. A suit for damages might be the only realistic deterrent against an improper police practice. Clearly, whatever the merits may be in favor of agreements not to sue, the courts should not participate in obtaining them from defendants..

The Commission asked for a clarification of the Administrative Board rule concerning the appearance of judges at political fund-raising dinners. (An analysis by the Commission revealed that at a recent dinner sponsored by a major political party the names of 62 judges appeared on the seating chart.) The rule was thereafter amended to prohibit the attendance at such dinners, "except in years in which he [the judge] is a designated or nominated candidate for elective judicial office." The Commission has been advised that even after the adoption of this rule, some judges have attended political functions without having been designated or nominated for judicial office. The revised rule should be explained carefully to judges to emphasize that merely seeking designation or nomination to judicial office does not bring them within the exception to the prohibition.

As part of the effort to insure that the judges are of the best possible calibre, a decision has been made by the Administrative Board to reexamine the process of recertifying judges at retirement age. The Commission has received complaints concerning particular judges who are near retirement age and has asked to be consulted by the Administrative Board if a judge reaches seventy and wishes to remain on the bench. The Administrative Board has solicited information from the Commission. Appropriate reports will be made.

B. Requiring Financial Disclosure

The subject of financial disclosure engenders considerable

controversy. Although many public officials regard it as an unnecessary and harsh burden to make known their personal assets and income, the requirement of disclosure has been imposed upon high-level government employees. At state and some city levels of government in New York State, financial disclosure has been made compulsory. We believe it should also be made a condition for holding judicial office. Manifestly, the need for financial data is no less necessary in the judiciary than it is in the executive branch of government. Conflicts of interest could be ascertained more easily if the Commission had more information about judges' outside income and assets. The qualifications of a candidate for the United States Supreme Court were questioned several years ago because he sat on a case involving a public corporation in which he had invested. In order to prevent conflicts of interest, it should be incumbent upon judicial officers to list their assets, income and other pertinent information. There is simply no practical alternative way of discovering conflicts of interest. Financial reports would also probably act as a deterrent to misconduct or the appearance of misconduct. We urge the Administrative Board to require judges to submit complete financial information on a periodic basis for review by the Commission and the Office of Court Administration. Such financial reports should be deemed confidential, either by specific legislation or under the general confidentiality provision of the law creating this Commission.

Limited financial disclosure is now provided for in Section 33.6(c) of the rules of the Administrative Board, which

requires judges to file a report of outside (earned) income with the clerks of their court. Few judges have filed such statements. Some judges appear to be totally unaware of the rule. After the Commission sought and received copies of the reports that have been filed, some judges told the Commission that they did not understand what is meant by "outside income;" some expressed confusion over where to file the statement. The rule does not clearly compel the filing of a report where there is no outside income earned, so it is not possible to tell how many judges simply are unaware of the rule. For clarification, the rule ought to state that all judges are required to file a statement, whether or not they have received any outside income. In addition, we believe that because of the potential for conflicts of interest, the rule should not exclude part-time judges who practice law. These statements should also be kept confidential to protect attorney-client relationships.

C. Expanding Training Seminars to Include Ethics

Training seminars are held presently for judges. Although these programs include the subject of judicial ethics, there continues to be considerable ignorance of the standards governing judicial conduct. These programs should be expanded. Many judges would benefit from additional guidance and training on the standards governing judicial conduct and their purpose. We believe that many would be receptive to discussions as to how they, as judges, could better maintain the dignity of their office and still exhibit compassion for litigants. Judges should be encouraged to

develop greater understanding and sensitivity to complex social problems. This would help them better understand and deal with people and their problems. Ethics could also be stressed in an on-going campaign by administrative judges at all levels through the distribution of memoranda and periodic meetings. Official decisions concerning judicial conduct should be circulated, and the Commission would be pleased to participate in these efforts.

A judge must be able to deal with belligerent defendants without becoming enraged himself. Ideally, judges should be beyond any personal moral reproach, and yet be flexible enough to handle coolly unusual circumstances or confrontations in the courtroom. Training is given to police officers who are confronted with hostility and abuse; similar training should certainly be given to judges.

D. Stressing Courtesy in Settlement Negotiations

Some judges apparently believe that settling cases quickly and moving calendars are of the utmost importance. The Commission agrees that cases ought to be disposed of as swiftly as possible, but not at the expense of a litigant's or lawyer's dignity. Intemperate judicial behavior intimidates parties to the point that they do not feel they are receiving a fair hearing.

Court administrators should stress that the need for settlements or dispositions should never be a cause for the mistreatment of litigants. The ideal is a judge who works hard

and moves his calendar as expeditiously as possible, but remains open-minded in the face of applications for adjournment or the inability to reach a satisfactory settlement. The goal must be justice plus the appearance of justice, not simply the amassing of statistics on the percentage of cases that are moved quickly or resolved. It is understandable that administrative judges at all levels have concentrated on settlements to bring court calendars up to date. To a large extent, this administrative effort is made to compensate for insufficient funding of the courts. The emphasis can be carried too far, and some balance must be restored. Some judges appear to have interpreted administrative directives to mean that basic courtesy is to be sacrificed to attain dispositions. We are confident that such sacrifices need not be made, and that a polite judge can assist just as well in the settlement of cases as one who is rude and abusive. This message should reach every level of the unified court system.

E. Dealing with Transcript Delays

The Commission has shared with some complainants the inconvenience of undue delays in obtaining court transcripts. Investigations have been held up solely because the Commission was unable to obtain records of court proceedings for several months. It is obvious that the problem hampers the administration of justice in the courts and should be given a high priority by court administrators. Indeed, delays in obtaining transcripts have provoked litigants to complain to the Commission. We urge court administrators to find better and more expeditious ways to

obtain transcripts. New techniques, although still in an experimental stage, are being used in other jurisdictions. They should be carefully assessed. Basic tape recording equipment would serve a useful purpose, especially in courts which do not regularly make use of court stenographers.

F. Improving the Appearance of Justice in Summons Parts

Several complaints were received by the Commission from people who had appeared in court in connection with cases in which one of the parties sought to commence a criminal action. In four of the five counties of New York City, such applications are heard in a "Summons Part" of the Criminal Court of the City of New York. Disputes between neighbors, minor assaults or verbal exchanges, arguments over a relatively small amount of money or merchandise, as well as Administrative Code violations, are heard in these parts. The judges assigned to the Summons Parts in New York City hear many cases each day and, consequently, often have insufficient time to devote to them. Summons Parts are not "status" assignments and the judges are aware that they are hearing the least important criminal cases. Complaints received by the Commission alleged rudeness and inattentiveness by Summons Part judges who were sometimes pictured as impatient, gruff or annoyed.

With this background, the Commission decided to monitor Summons Parts in New York, Bronx, Kings and Queens Counties and the All-Purpose Part in Richmond County, which included "summons" as well as other cases. Law students were assigned on a rotating

basis to observe these parts. Large caseloads and poor physical conditions were found to be common. The worst physical plant is in Bronx County, where loud noise from the outside (including airplanes arriving and departing at LaGuardia airport) often drowned out, and actually stopped, court proceedings. Peeling paint, falling plaster, and holes in the wall are common in the Criminal Court Building in Bronx County. (A new building is under construction and may be opened in 1976.) The difficult physical conditions in the Summons Part in Bronx County, and to a lesser degree in New York County, give the assigned judge an added burden in setting a judicious tone in his part. In Richmond County, the courtroom provides the atmosphere that is so important if people are to feel that they are in a court of law. In Kings and Queens Counties the facilities are adequate.

Although it would appear that a good physical plant might make it easier for a judge to act properly, it clearly does not ensure judicious conduct. The demeanor of judges ran the gamut from judicious to injudicious, but there appears to be no direct link between the nature of the court facilities and the conduct of the judge. Moreover, court officers were occasionally rude and snickered at some statements made in court by the parties. They often gave the appearance of being unfriendly and indisposed to providing assistance to people in the courtroom. The judges did not attempt to control this misconduct, although it is clearly a judge's responsibility to do so.

The Summons Part judge also hears Administrative Code violations, such as building and health violations. Assistant corporation counsel sometimes appear to have a "chummy" relationship with the judge. Although it is understandable that the two may become casually acquainted because they are both assigned to that part, the appearance of justice is not well served when the attorney stands slouched near the bench, resting on his arm, chatting with the judge and trading funny stories. In one Part, the judge and a Legal Aid attorney seemed to be enjoying themselves at the expense of the defendant and the appearance of justice.

As expected, the judges face heavy caseloads and generally have insufficient time to devote to individual cases. If sufficient time were devoted, they might not complete the day's calendar; thus, they are compelled to cut short complainants and defendants who sometimes seem confused and helpless. The litigants often appear without counsel and language barriers are frequently apparent. Often, no discernible effort is made by the harried judge or court personnel to help them.

The judges in the Summons Parts have few alternatives available for dealing with the variety of complex social problems before them. Their two options are to dismiss the matter or to order a complaint drawn. The judges seem unaware of other public and private agencies which might be of assistance. Few referrals are made to these agencies. Most cases are dismissed, apparently due more to the overwhelming backlog in trial parts than anything

else. In fact, cases are sometimes dismissed in which minor crimes are admitted. A system confronted with too many serious crimes turns its back on less serious crimes. Simply because certain conduct happens to be a crime does not necessarily mean that the criminal process is best suited to deal with the underlying problem. The concept of diversion from the criminal process is not new; it is founded on the premise that there are better ways of dealing with some criminal conduct. It is widely recognized, for example, that health problems are best treated in an appropriate public health setting. Similarly, many of the underlying social problems which appear in the Summons Parts, and in other courts outside of the City of New York, could be more readily solved with the help of social agencies.

In Family Court, procedures have been established to screen cases, thereby reducing the number which appear before the judges. If not for this case-screening process, many more cases would be heard by Family Court judges and less time devoted to each case. A similar screening technique might prove helpful in Summons Parts. Disputes between neighbors cannot be solved by judges who are annoyed at those who are feuding. Even a compassionate judge can do little to resolve the multitude of social problems which appear in his court. He is not especially trained to handle these problems; he has no resources to use, and he has no time to understand all sides of the problems presented to him. Although it would entail allocation of funds, screening by probation officers would greatly contribute to the enhancement of justice in the Summons Parts.

A recent, federally funded project is of interest as a diversion technique. A Community Dispute Center in New York City has been designed to provide "community based mediation as an alternative to the normal criminal justice process for cases involving interpersonal disputes." Cases are referred to the center by local police precincts if the parties consent to mediation, or, if they do not, to the Criminal Courts. Dispositions are in the form of arbitration awards which are enforceable in Civil Court. The center hopes that 10,000 cases per year will be mediated in this manner. These would otherwise be heard in Summons Part.

Considerable publicity has been given to the successful use of arbitrators in Small Claims Courts. The arbitrators are unpaid lawyers who hear and resolve minor civil disputes. This procedure may be applicable to the Summons Parts. Arbitrators could assist people in resolving social problems which lead to alleged minor criminal offenses. Regardless of whether arbitrators or screeners are used, some effort should be made to provide more complete assistance to people who look to the Criminal Court for a solution to health, social and civil litigation problems. This would permit the judges to give more attention to the remaining cases.

G. Reformulating Standards of Conduct for Part-Time Judges

Several investigations have revealed serious misconduct by part-time City Court judges and town and village justices. Most

part-time judges are paid so little that they must necessarily be employed elsewhere to support themselves. Those who are attorneys generally practice law. Out of a total of 2,400 town and village justices now presiding in New York State, 433 are attorneys. The great majority of them have no legal background, other than a one-week training program that they are required to attend. This cannot possibly cover all the complexities of modern criminal law and procedure. Many of them have no experience with office work and record-keeping. There are documented cases where official court records were kept with little or no diligence. Aside from the inadequacy of their legal training, village and town justices are also often hampered from doing a completely satisfactory job by the part-time nature of the position. Their part-time role leads to conflicting demands and prevents them from conducting trials without interruption. Part-time judges set their own schedule, regardless of need. This, too, should be subjected to tighter administrative controls.

The Administrative Board's "Rules Governing Judicial Conduct" attempt to deal with the problem of part-time judges appearing as attorneys before other part-time judges in the same county. Our investigations of a few part-time judges reveal that this rule has often been breached. In addition, the partners and associates of part-time judges are permitted to, and do, appear before part-time judges in the same county. Whenever a part-time judge appears before another part-time judge, whether in his county or in a neighboring county, there is the appearance of

improper influence. The part-time judge who presides over such a case must know that his law practice may take him into the neighboring county of the attorney-judge appearing before him. Indeed, it is not difficult to imagine the suspicion engendered by the appearance of a part-time judge as an attorney in any court. Additional rules should be adopted to cover these problems, and judges should be reminded of the Administrative Board rules by their Administrative Judges.

Although it is hoped that the great majority of part-time judges are making efforts to avoid conflicts between their law practices and their judicial duties, it is not always the case and may not always be possible. There appears to be an inherent conflict when a judge appears as an attorney before another judge. There may well be a general feeling that his judicial office will place him in an advantageous position over his non-judicial adversaries. A town justice in one area announces his judicial office in bold lettering in the windows of his law office located in a nearby town. It would appear that this attorney believes he has something besides his legal talents to sell prospective clients.

Although some of the problems outlined above are disciplinary in nature, others might have to be solved by legislation.

IV. CONSIDERATIONS FOR LEGISLATIVE ENACTMENTS

If the Constitutional Amendment to create a permanent Commission On Judicial Conduct is adopted in November, new legislation, effective September 1, 1976, must be enacted at the next legislative session. In view of the Commission's experience with the present legislation, it will submit complete draft legislation for consideration. In the meantime, for enactment prior to September 1, 1976 (the effective date of the Admendment), two suggestions are submitted -- to permit the Commission to advise complainants of any action taken on complaints, and to permit the Commission to delegate to its staff its authority to take subpoenaed testimony.

A. Confidentiality of the Commission's Proceedings

There is an inherent conflict between the public's right to know, or to be kept informed, and a judge's right to have his reputation protected from media publicity of alleged wrongdoing. The Judiciary Law provides that all proceedings before the Commission are confidential, but does not sufficiently take into account the right of the public and the complainant to be advised. A strict interpretation of the present legislation would prohibit the Commission from advising the complainant of any action taken, except for dismissal of the complaint. Thus, if a judge is admonished, there is no provision for advising the complainant accordingly. Indeed, since technically an admonition is in lieu of proceeding further and, arguably, a dismissal of the complaint, a strict reading

of the law might dictate that the Commission must advise the complainant that the matter has been dismissed.

Similarly, if the Commission recommends that a removal proceeding be instituted and an Appellate Division (or the Chief Judge in the case of a judge under the jurisdiction of the Court on the Judiciary) dismisses the complaint or admonishes the judge, it is not clear what the complainant may be told. Carrying this strict confidentiality provision to an absurd degree, the mere existence of a Commission investigation would have to be withheld from a complainant. It simply would not be possible to maintain credibility with the public if the Commission were to interpret the legislation in such a manner. Yet, the scope of the Commission's authority to reveal information has not been addressed in the legislation. From time to time the Appellate Divisions reveal more information about judges whom they investigate than the Commission apparently can. Some balance must be struck; confidentiality often is an important safeguard, but the public and individual complainants, too, deserve consideration. A careful analysis of this problem should be made, and we offer to contribute to such an effort. In the meantime, the law should be amended to give the Commission authority to advise complainants of whatever action is taken.

B. Statutory Authority to Delegate Subpoena Power to Staff

The Commission has experienced some difficulty taking subpoenaed testimony during investigations in distant areas throughout the state. Many investigative hearings are held, and at least

two members of the Commission must be present to take testimony. There are times when this is difficult, particularly in areas where members do not reside and which are difficult to reach. Additional authority is needed to enable the staff to fully investigate misconduct. This authority, with Commission approval, should include subpoenaing witnesses to testify.

The authority to delegate subpoena power to staff was given to the Temporary State Commission to Investigate the City of New York and it is that statutory provision (Laws of 1972, ch. 280, Sections 5[c] and [d]) which we believe should be adopted for this Commission. The Commission could then delegate authority to the staff in particular investigations to take the testimony of non-judge witnesses during investigations in the absence of Commission members.

V. COMMENTARY

The Commission is confident that misconduct can be attributed to only a small percentage of judges. However, with approximately 3,500 judges in the state, even a small percentage may represent a large number.

Possibly, the source of a great deal of misconduct is unbridled and misused judicial power. Unfortunately, too many judges, even if only a small percentage, see the bench as a seat of personal power. The judge who fails to disqualify himself before litigants with whom he maintains a close personal relationship is using his robes as a license to put his personal power above the basic judicial tenet that dictates impartiality. The judge who sacrifices the dignity of litigants and lawyers for expediency in moving the court

calendars is allowing his view of priorities to usurp the larger public objectives of the judicial process as a whole. The ascension to the bench grants an individual enormous legal power. A judge should bury personal motives, ambitions and prejudices and use that power responsibly.

A source of abuse of judicial power could be a feeling on the part of some judges that they are not accountable. Some judges have given the appearance that they are not accountable for their actions on the bench beyond the decisions which are reviewable by appellate courts. The Commission does not have exclusive jurisdiction to monitor the court system. Continued monitoring and close supervision of ethical standards should be an important function of the Office of Court Administration and all Administrative Judges. A determined effort should be made within the courts to seek compliance with the rules of the Administrative Board and the respective Appellate Divisions. Although it is not clear how pervasive the problem is, it appears that a number of judges are either not familiar or sufficiently concerned with existing standards of good conduct.

We have set a reasonably aggressive course to identify misconduct. We will not simply await complaints. We invite the submission of complaints and believe that only a highly visible Commission which is receptive to complainants will be effective and ensure confidence in the judiciary. Through its treatment of complainants and its efforts to simplify the complaint-making process,

the Commission has demonstrated a policy of high accessibility. Complainants who may be apprehensive, inarticulate or otherwise unwilling to put their complaints in writing still have an appropriate forum to voice their complaints. No one who has any information relating to judicial misconduct need be concerned that he will have to face an unconcerned bureaucracy or be compelled to complete unwieldy forms. The decision to accept oral complaints is also consistent with the Commission's commitment to take the initiative and follow up on any possible area for investigation. We monitor judges on the bench and will work together with citizens' groups monitoring or interested in monitoring their local courts. We are confident that we can be aggressive and responsive to allegations of judicial misconduct while safeguarding the rights of judges.

Although identifying misconduct is an important purpose of the legislation establishing the Commission -- and our priority in this regard will be to identify serious misconduct -- the Commission intends to do more than investigate complaints and bring charges. Our work does more than point up the existence of individual misconduct. It is relevant to the purpose of the legislation to make observations that might prove helpful in achieving improvements in the court system.

We have interpreted our legislative mandate in broad terms and believe we would be wasting our efforts to concentrate only on bringing charges against judges. We believe we might help

deter some misconduct in the future by addressing larger issues. Our Summons Part study is an illustration of the type of effort we plan to undertake. Over the course of the next year we will monitor these and other parts of the court system, especially those in which the public appears in large numbers. If moving cases to disposition continues to be a source of conflict between litigants and some judges, we will make our views known again on what appears to be an overriding concern with dispositions. We will seek to learn more about part-time judges to ascertain how widespread the misconduct is that we have already seen. We will continue to stress training and regular reminders from Administrative Judges as a way of dealing with some of the misconduct that exists today. We will also take a closer look at the existing Rules Governing Judicial Conduct, some of which are vague and too general, and we will make appropriate recommendations to the Administrative Board.

Many of the problems we confront are the outgrowth of a less than adequate selection process. Political ties often seem to be more important than qualification for judicial office. Most debates concerning election versus appointment of judges do not raise the most relevant issues and do not offer clear-cut solutions. Both systems at present exclude competent potential candidates who have insufficient political ties; both stress politics as the key qualification for judicial positions. There have been good and bad judges selected under both systems, and unless merit selection is stressed, the discussion will continue to be unprofitable. There

are numerous ways of improving the present selection processes. The Governor and the Chief Judge have spoken out on this issue and their efforts in achieving merit selection should be supported.

This November the voters will have an opportunity to approve a Constitutional Amendment which would create a greatly strengthened permanent Commission on Judicial Conduct (in place of this Commission) with power to commence removal proceedings. Our successor Commission would also be given authority to suspend, publicly censure, and retire a judge for disability, subject to the judge's right to have a hearing before the Court on the Judiciary. If this Amendment becomes law we hope that our present and future efforts will lay the groundwork for this new agency.

The Commission is grateful for the encouragement it has received from the Governor, the Chief Judge and the legislature. The Governor has voiced full support and has recommended to the legislature that sufficient funding be made available to the Commission. A legislative and constitutional framework for the disciplining of judges has been approved by the legislature and funding has been provided to carry out the legislative mandate creating this Commission. The Chief Judge has cooperated fully in our efforts to review and investigate complaints against judges and identify judicial misconduct. An innovative state court administration has made it much easier for this Commission to fulfill its obligations to the judiciary and to the public.

A P P E N D I X A

BIOGRAPHIES OF THE COMMISSION MEMBERS

HOWARD COUGHLIN is the International President of the Office & Professional Employees International Union. He has represented the Eisenhower, Kennedy and Johnson administration at key international labor conferences in Europe and Asia. He was also appointed by President Johnson to the Labor Advisory Council for the President's Committee on Equal Employment Opportunity and served on the Advisory Committee for the Youth Opportunity Campaign. He represents the AFL-CIO in international labor conferences in the Western Hemisphere. He is Chairman of the Executive Committee for the Executive Board of the American Arbitration Association, and Vice President of the International Confederation of Commercial, Clerical and Technical Employees. Mr. Coughlin is also a member of the New York Banking Board and a member of the State Judicial Screening Committee.

HON. JAMES D. HOPKINS is a graduate of Columbia University and Columbia Law School. He is presently a Justice in the Appellate Division, Second Department, having previously served as a Justice of the Supreme Court and a County Judge for the County of Westchester. Judge Hopkins is the Chairman of the Appellate Judges' Conference of the American Bar Association, the Director of the National College of the State Judiciary, a Member

of the Council of Judicial Associations of the State of New York, a Member of the Federal-State Council of Judges, a Member of the Advisory Council for Appellate Justice, a Member of the Committee on Uniform Admission Practice of the Administrative Board, the Chairman of the Advisory Committee on Appellate Administration, and the Vice President of the Columbia Law School Alumni Association. He is a Member of the American Bar Association, the New York State Bar Association, the Westchester County Bar Association, the Rockland County Bar Association, the White Plains Bar Association, the Mount Vernon Bar Association and the American Judicature Society.

MICHAEL M. KIRSCH, ESQ., is a graduate of New York University and New York University Law School. He is a member of the firm of Goodman, Mabel & Kirsch. He is a trustee and former President of the Brooklyn Bar Association, a member of its Committee on the Judiciary and a former member of its Committee on Grievances. He is a member of the House of Delegates of the New York State Bar Association and a member of the American Bar Association. He is also a member of the Sub-Committee on Jury System of Departmental Committees for Court Administration of the First and Second Judicial Departments, and a former member of the Judiciary Relations Committee for the Second and Eleventh Judicial Districts.

VICTOR A. KOVNER, ESQ., a graduate of Yale College and Columbia Law School, is now a partner in the firm of Lankenau, Kovner and Bickford. Mr. Kovner has been a member of the Mayor's

Committee on the Judiciary since 1965 and was a founder of the Committee to Reform Judicial Selection. He is also a member of the Committee to Advise and Consult with the Judicial Conference of the State of New York on the Civil Practice Law and Rules. Mr. Kovner is a member of the Association of the Bar of the City of New York and serves on the Special Committee on Communications Law.

WILLIAM V. MAGGIPINTO, ESQ., is a graduate of Columbia College and Columbia Law School. He is a senior partner with Anderson, Maggipinto, Vaughn & O'Brien and also serves as the Sag Harbor Village Attorney. He is the Second Vice-President of the Board of Directors of the Suffolk County Bar Association and a member of the House of Delegates of the New York State Bar Association. He serves on the Committee on Judicial Selection of the New York State Bar Association and was, for three years, Chairman of the Suffolk County Bar Association Judiciary Committee.

HON. ANN T. MIKOLL is a graduate of the State University of New York at Buffalo where she received a B.A. degree. Her Doctor of Jurisprudence is from the same university. Judge Mikoll has an honorary Doctor of Humane Letters from Canisius College. She is presently a Justice of the Supreme Court, having previously served as Associate Judge of the City Court of Buffalo. Justice Mikoll is a member of the Board of Governors of the American Judges Association, a member of the Board of Directors of the Legal Aid Bureau of Buffalo, Inc., a member of the Board of Directors of the

Catholic Charities of Buffalo and a member of the Board of Trustees at Saint Bonaventure University. Justice Mikoll is a member of the Board of Directors and holds the Chair of Polish History and Culture at Canisius College. She has received numerous awards and citations for her civic and professional contributions to the community.

MRS. GENE ROBB is a graduate of the University of Nebraska. She works in public relations and program planning at the Albany Institute of History and Art. She is a former President of the Women's Council of the Albany Institute and served on its Board. She also served on the Chancellor's Panel on University Purposes under Chancellor Boyer, later serving on the Executive Committee on that panel. She was appointed to the Temporary Hudson River Valley Commission by Governor Rockefeller. She is a member of the Board of the English Speaking Union. She serves on the Albany Board of the Salvation Army and represents northeastern New York on the New York State Salvation Army Executive Committee for the New York State Plan. She is on the Board of the Saratoga Performing Arts Center. She is on the Board of the Albany Medical College and the Association of Trustees of Siena College.

CARROLL L. WAINWRIGHT, JR., ESQ., is a graduate of Yale College and the Harvard Law School. He is a member of the firm Milbank, Tweed, Hadley and McCloy. He served as assistant Counsel to Governor Rockefeller, 1959-1960. He is a Trustee at the American

Museum of Natural History, the Boys' Club of New York, and The Cooper Union for the Advancement of Science and Art. He is the Treasurer of the Church Pension Fund of the Episcopal Church. He is a Vice President and former Treasurer of the Association of the Bar of the City of New York and a Member of the American Bar Association, the New York State Bar Association, and the American College of Probate Counsel.

A P P E N D I X B

OPERATING PROCEDURES AND RULES OF THE
TEMPORARY STATE COMMISSION ON JUDICIAL CONDUCT

Pursuant to Section 42, paragraph 5 of the Judiciary Law, in relation to the establishment of a Temporary State Commission On Judicial Conduct, the following rules are hereby adopted.

1. Complaints

The Commission may initiate an investigation and shall receive any complaint brought to its attention against any judge in the unified court system in the State of New York with respect to his qualifications, conduct, fitness to perform, or the performance of his official duties. The initial complaint may be written or oral.

2. Investigations, hearings, dispositions

a. When a complaint is received and it makes any allegation concerning the qualifications, conduct, fitness to perform or the performance of a judge's official duties, an appropriate inquiry shall be undertaken.

b. Following an inquiry by the Administrator or his staff, a report shall be made to the Commission. The report shall set forth the allegations, any supporting or contradictory information and the scope of the inquiry. The Commission may then dismiss the complaint, direct further staff inquiry, request a written response from the judge who is the subject of the complaint, hear evidence, either as a full Commission or by a panel designated by the Chairman, or direct a filing of a formal written complaint.

The Commission may also refer the matter to a judge having administrative jurisdiction over the judge involved in the complaint, an Appellate Division, a Presiding Justice, the Chief Judge, the Governor, or an appropriate agency with responsibility for criminal prosecution.

c. If testimony is received before the Commission or a panel, during this investigative stage, it may be transcribed and under oath. The judge who is the subject of a complaint may be required to appear and asked to explain his view of the complaint. If he is required to appear under these circumstances, and a formal written complaint has not been served upon him, he shall be given a written summary of the complaint in advance of his appearance.

d. Following the judge's appearance before the Commission, he may be requested to appear again. At this time the Commission may close the proceedings and make "suggestions and recommendations" to him pursuant to Section 43, paragraph 3 of the Judiciary Law. The suggestions and recommendations may include a finding by the Commission that based upon the evidence presented during the investigation the complaint has merit. The Commission may also set forth reasons for its finding. A written statement of the suggestions and recommendations shall be given to the judge. Following such statement to the judge, he may request a hearing (as set forth in the following paragraph and in Section 43, paragraph 4 of the Judiciary Law) before the Commission, and, if the Commission so directs, charges will be drawn and served and a hearing shall be held.

e. If the Commission determines that a hearing is warranted, the procedures to be followed are those set forth in Section 43, paragraph 4 of the Judiciary Law. The judge who is the subject of a formal complaint shall have the right to have the Commission subpoena witnesses on his behalf to testify at a hearing. He shall also be given a copy of any prior testimony or statements of any witnesses who testifies at the hearing. These rights are in addition to those set forth in Section 43, paragraph 4.

3. Standards

In evaluating complaints and the conduct of judges, the Commission shall be guided by (1) the requirement that judges abide by the laws of the State, (2) the requirement that judges abide by the Rules of the Administrative Board and the respective Appellate Divisions governing judicial conduct, (3) the requirement that judges act in such a way as to make the courts and the administration of justice just, equitable and efficient and have the appearance of being so and (4) the requirement that judges abide by standards of courtesy, dignity and civility expected of all persons in positions of judicial responsibility.

4. Amending Rules, Quorum

a. The rules of the Commission may be amended with the concurrence of at least five members.

b. A quorum of six members of the Commission, or two members of a panel, is necessary to take any evidence during a hearing. Two members of a panel shall constitute a quorum and the concurrence of two members of a panel is necessary for a formal written complaint to be drawn.

COMPLAINTS FROM LITIGANTS, CRIMINAL DEFENDANTS
OR THEIR RELATIVES

SUBJECT OF COMPLAINT	Dismissed After Initial Review	INVESTIGATIONS		
		Pending	Dismissed	Acted Upon
Incorrect Ruling	1 1 5			
Complaints Against Attorneys, Federal Judges or Hearing Officers	2 8			
Demeanor	2	2 0	1	6
Delays	8	2		3
Conflict of Interest	1	1		1
Bias	4	1	2	
Corruption	4	2		
Intoxication	1		1	
Incompetence		1		
Political Activity				
Unspecific	3			

COMPLAINTS FROM CITIZENS OR GROUPS
NOT PARTY TO ANY ACTION

SUBJECT OF COMPLAINT	Dismissed After Initial Review	INVESTIGATIONS		
		Pending	Dismissed	Acted Upon
Incorrect Ruling	10			
Complaints Against Attorneys, Federal Judges or Hearing Officers	5			
Demeanor	2	7		1
Delays	1			
Conflict of Interest				1
Bias	2	1		1
Corruption	1			
Intoxication	1			
Incompetence	2			
Political Activity	1	3		
Unspecific	7			

COMPLAINTS FROM JUDGES, ATTORNEYS
OR DISTRICT ATTORNEYS

SUBJECT OF COMPLAINT	Dismissed After Initial Review	INVESTIGATIONS		
		Pending	Dismissed	Acted Upon
Incorrect Ruling	1			
Complaints Against Attorneys, Federal Judges or Hearing Officers	1			
Demeanor		1 1	1	
Delays				
Conflict of Interest		1		1
Bias	3	1	1	
Corruption				1
Intoxication				
Incompetence				
Political Activity		1		1
Unspecific				

COMPLAINTS TAKEN FROM THE PRESS

SUBJECT OF COMPLAINT	Dismissed After Initial Review	INVESTIGATIONS		
		Pending	Dismissed	Acted Upon
Incorrect Ruling				
Complaints Against Attorneys, Federal Judges or Hearing Officers				
Demeanor				
Delays				
Conflict of Interest		1	1	3
Bias				
Corruption		1		
Intoxication		1		
Incompetence				
Political Activity		1		
Unspecific				

TOTALS

SUBJECT OF COMPLAINT	Dismissed After Initial Review	INVESTIGATIONS			TOTALS
		Pending	Dismissed	Acted Upon	
Incorrect Ruling	126				126(45%)
Complaints Against Attorneys, Federal Judges or Hearing Officers	34				34(12%)
Demeanor	4	38	2	7	51(18%)
Delays	9	2		3	14 (5%)
Conflict of Interest	1	3	1	6	11 (4%)
Bias	9	3	3	1	16 (6%)
Corruption	5	3		1	9 (3%)
Intoxication	2	1	1		4 (1%)
Incompetence	2	1			3 (1%)
Political Activity	1	5		1	7 (2%)
Unspecific	10				10 (3%)
TOTALS	203	56	7	19	285(100%)