

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding :
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to :

CARLOS GONZALEZ, :

a Justice of the Elmsford Village Court :
Westchester County. :

-----X

B e f o r e:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
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Jodie Corngold
Honorable John A. Falk
Honorable Angela M. Mazzarelli
Honorable Robert J. Miller
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For the Respondent

Honorable Carlos Gonzalez, *pro se*

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ORAL ARGUMENT

Zoom Video Conference
March 17, 2022
10:40 AM

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MR. KEATING: We are now on the record.

MS. ZAHNER: Good morning, Mr. Belluck and members of the Commission. This is the oral argument in the Matter of Carlos Gonzalez, a Justice of the Elmsford Village Court. Judge Gonzalez is appearing for himself. Ms. DiPalo is appearing for the Commission.

MR. BELLUCK: Okay. Good morning, Judge Gonzalez. Good morning, Ms. DiPalo. In the *Matter of Carlos Gonzalez*, this is the oral argument with respect to what an appropriate sanction shall be.

Counsel and the judge will each have 30 minutes for their argument. Counsel for the Commission may reserve a portion of her time for rebuttal. The judge and counsel are subject to questioning by the Commission at any time during the presentations. The judge and counsel are advised that argument should be confined to the record and any statements outside the record will be disregarded.

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12 recording being made by the Commission
13 technology staff, no one may make any
14 recording, video or audio, take any screen shots
15 or photographs or record any part of this
16 proceeding digitally or electronically. Judge
17 Gonzalez, are these procedures clear?

18 JUDGE GONZALEZ: They are. Yes.

19 MR. BELLUCK: Okay. Ms. DiPalo?

20 MS. DIPALO: Yes. Thank you.

21 MR. BELLUCK: Okay. And, I rarely say
22 this but you each have 30 minutes. But given
23 that the argument is in this case is limited to
24 sanction, feel free not to use all of that time.
25 Okay. Ms. DiPalo, please begin.

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MS. DIPALO: Thank you, Mr. Belluck.
I'd like to reserve five minutes of my time for
rebuttal.

MR. BELLUCK: Okay.

MS. DIPALO: Good morning. My name is
Melissa DiPalo. I am a senior attorney with the
Commission.

A judge that lies repeatedly under oath
cannot remain on the bench. That is exactly
what Judge Gonzalez did here. Judge Gonzalez
lied under oath on multiple occasions while
testifying before the Grievance Committee. He
gave this false testimony when he was called to
appear after several clients filed complaints of
incompetence and neglect against him. The
Appellate Division found that Judge Gonzalez
had in fact failed to provide competent
representation to some of these clients, that he
had neglected a client matter and that he had
made misrepresentations to these clients. And,
they also found that he lacked candor before the
Grievance Committee and they suspended him
from the practice of law. It is this conduct,
aggravated by the false testimony that he gave
before the Grievance Committee, that compels

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his removal here. No –

MR. BELLUCK: – Ms. DiPalo?

MS. DIPALO: Yes?

MR. BELLUCK: Can I just ask you the – a large part of the judge’s position is that the conduct at question took place before he became a judge. Am I correct that some of the allegations of dishonesty and other things occurred after he became a judge?

MS. DIPALO: All of the allegations of dishonesty and the misconduct as an attorney occurred before he took the bench. It was prior to his ascension to the bench. But the Commission and the Court of Appeals has recognized that a judge’s conduct, even if it predates his or her ascension to the bench, can still be considered. It is still disciplinable and it is still removable. And in this case, I would submit to you that the judge’s conduct as attorney reflects on his role as a judge. Judges are held to the highest standards of conduct. The public cannot have confidence in a judge who has been deemed unfit by the –

JUDGE MILLER: – Counsel? –

MS. DIPALO: – Appellate Division. –

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JUDGE MILLER: – Counsel, it’s Judge Miller. –

MS. DIPALO: – Hi. –

JUDGE MILLER: – I just had two quick questions.

MS. DIPALO: Good morning, Judge Miller.

JUDGE MILLER: Good morning. How long was he suspended?

MS. DIPALO: He was suspended in April of 2021 for six months and that was based on reciprocal discipline for what I would call an extreme case of client neglect in Connecticut.

JUDGE MILLER: I am just, I am just curious –

MS. DIPALO: – Yes?

JUDGE MILLER: In light of the fact that both Connecticut and New York only suspended him for six months and in New York, I don’t think there’s a lesser period you can do, is it, it didn’t – his conduct didn’t rise to a longer suspension or disbarment.

MS. DIPALO: Well –

JUDGE MILLER: – So is it, is it appropriate to now say he shouldn’t sit on the

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bench when both grievances deemed his conduct clearly in violation of the ethics rules but of such a nature that he got a minimal suspension?

MS. DIPALO: If I could, let me just give you a brief background. Judge Gonzalez –

JUDGE MILLER: – Okay, could you answer the question though?

MS. DIPALO: Yes, and I think that’s part. He was suspended for a total of 24 months –

JUDGE MILLER: – Okay. –

MS. DIPALO: – From the practice of law in New York. There were two suspensions. The first was a six-month suspension based on a public censure in Connecticut. The second was an 18-month censure, I’m sorry 18-month suspension issued by the Appellate Division and the Appellate Division made that run consecutive to the six-month suspension. So, a total of 24-months.

Now as to whether the fact that he was suspended requires his removal, I would submit to you that it does. Again, I keep repeating this, judges are held to a higher standard of conduct and the public and –

JUDGE MILLER: – Could I ask another

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question?

MS. DIPALO: Sure.

JUDGE MILLER: When was, when was he elected?

MS. DIPALO: He was elected in April of 2021.

JUDGE MILLER: So that x num – how many years after the suspensions?

MS. DIPALO: He was suspended immediately after he took the bench.

JUDGE MILLER: Okay.

MS. DIPALO: He was elected in April 2021 and he was suspended in April 2021, the first suspension.

JUDGE MILLER: Okay.

MS. DIPALO: And I might add that he was only on the bench eight months before the Chief Judge issued an administrative order basically confining him to chambers and removing his cases.

JUDGE MILLER: Thank you.

MS. YEBOAH: Counsel, I have a question.

MS. DIPALO: I'm sorry. Yes. Sorry, Ms. Yeboah.

MS. YEBOAH: It's okay. So, I'm not

1 being familiar with the rules of attorney
2 discipline in the State of Connecticut. But when
3 a judge – when an attorney is suspended in New
4 York, in Connecticut do you know if they have
5 to then before they're allowed back into Bar go
6 before an ethics board?

7 MS. DIPALO: I do not know that. But in
8 this case, Judge Gonzalez was issued a public
9 censure which, my understanding, means he
10 could still practice law in Connecticut. And the
11 reason that the Appellate Division issued a six-
12 months suspension was the underlying
13 misconduct in Connecticut. But it was also the
14 judge's prior disciplinary history in New York.
15 He had been previously admonished three times
16 for similar issues of client neglect. And they
17 noted that in their opinion.

18 JUDGE MAZZARELLI: I have a
19 question. Did he report the Connecticut action to
20 the New York State Grievance Committee?

21 MS. DIPALO: He did not report it in a
22 timely manner. No. And that, I believe, ties into
23 what –

24 JUDGE MAZZARELLI: – When you say
25 not timely, what are we – could you be more

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specific please?

MS. DIPALO: The Court found that he did not report it to New York. The judge maintained that he reported it just, I believe, at the time that the New York State Grievance Committee started its proceedings.

MR. RASKIN: I believe, Ms. DiPalo, that under 22 NYCRR § 1240.13(d), the lawyer is required within 30 days of a discipline in a foreign jurisdiction to notify the local court. So, that is a statutory requirement. To your knowledge, has that been met?

MS. DIPALO: To my knowledge, that was not met. And that is based on the Appellate Division's order.

MR. RASKIN: Thank you.

MS. DIPALO: And, I just might add, this all ties in to the failure to timely report his suspension. This ties into what the Appellate Division found was a lack of candor before the Grievance Committee and what I submit to you is the judge lying under oath on multiple times while under examination by the Grievance Committee. –

MR. BELLUCK: – Okay, I'm sorry.

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MS. DIPALO: Yes?

MR. BELLUCK: Can I just go back to the question I asked you before, because I guess I am confused about the timing.

MS. DIPALO: Certainly.

MR. BELLUCK: He became a judge in July of 2021?

MS. DIPALO: April of 2021.

MR. BELLUCK: April of 2021 and the second Appellate Division order was December of 2021?

MS. DIPALO: Yes.

MR. BELLUCK: Okay. And between April and December, while he was a judge, did he continue to fail to report anything?

MS. DIPALO: No. So, the timeline is, he was elected in April of 2021. About two weeks after he was elected, the Appellate Division issued an order suspending him from the practice of law for six months. He remained on the bench. And then in December of 2021, the Appellate Division issued a second order suspending him for an additional 18 months from the practice of law.

MR. BELLUCK: Okay. And there's

1 nothing in the December order that relates to any
2 conduct while he was – between April and
3 December, he'd – everything had been fully
4 reported?

5 MS. DIPALO: Yes. All of his misconduct
6 as an attorney predated his ascension to the
7 bench. It took place before he took the bench.

8 MR. BELLUCK: Including any failure to
9 report?

10 MS. DIPALO: Yes.

11 MR. BELLUCK: Okay. All right.

12 MR. RASKIN: So, we are clear and
13 hopefully this is not my misunderstanding, Ms.
14 DiPalo, the initial suspension by the Connecticut
15 Federal Court was not, if I understand correctly,
16 reported within 30 days to the Appellate
17 Division, to the Court in New York. Is that
18 correct?

19 MS. DIPALO: Yes, that is correct. And I
20 thank you. I wasn't aware of the time constraint,
21 the 30-day time constraint. But that is correct.

22 JUDGE MAZZARELLI: I thought you
23 said that the discipline in Connecticut was a
24 censure, not a suspension.

25 MS. DIPALO: Yes, it was a censure. And

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based on that, the Appellate Division imposed reciprocal as reciprocal discipline, a six-month suspension.

MR. RASKIN: And to that regard, the – our statute requires under 1240 that any sanction in a public court, any public sanction in a court be notified, requires the respondent to notify the state board. I’m sorry to interrupt you, Ms. DiPalo.

MS. DIPALO: No, thank you. What, the point that this gets to, is that when the judge was called to testify before the Grievance Committee under oath regarding his – in connection with six complaints of misconduct that his clients brought against him, he testified falsely. He lied under oath. He was asked, have you ever, I’m sorry, he testified that he had never been the subject of any discipline in – by the First Department Disciplinary Committee or by the District Court of Connecticut. He submitted questionnaires prior to that. He submitted questionnaires to the Grievance Committee in which he failed to disclose that he had been, he had received a letter of caution from the First Department Disciplinary Committee and that he had been

1 publicly censured by the District Court of
2 Connecticut. And I would add, that after he
3 testified before the Grievance Committee and
4 lied and said that he had only been investigated,
5 he had never been disciplined by the First
6 Department or the District Court of Connecticut,
7 he was given the chance to correct this
8 testimony. The Grievance Committee gave him
9 a chance to correct his testimony and he
10 doubled-down and didn't disclose these previous
11 disciplines.

12 And, I submit to you that the Commission
13 and the Court of Appeals repeatedly said that
14 deception is antithetical to the role of judge who
15 is sworn to uphold the law and seek the truth.
16 We can't have a judge on the bench who is lying
17 to an ethics agency. And in addition, beyond
18 that, the misconduct that the Appellate Division
19 suspended him for reflects on his role as a judge.
20 He showed professional incompetence as a
21 judge. He either failed to alert his clients that the
22 statute of limitations on certain actions had run
23 out. In other cases, he realized that the statute of
24 limitations in cases had expired and he still
25 proceeded with an action. And in other cases, he

1 just didn't realize that the statute of limitations
2 had expired. In another case, he agreed to
3 represent a tenant in an eviction proceeding and
4 he failed to appear for the proceeding. He didn't
5 seek an adjournment. And I just, I submit to you
6 that it is this misconduct, his incompetence as
7 attorney coupled with his failure to testify
8 truthfully under oath that compels his removal in
9 this case.

10 If there are no further questions at this
11 point, I'd like to reserve the rest of my time for
12 rebuttal.

13 JUDGE FALK: Ms. DiPalo, I have a
14 question. How do you square this with the
15 *Barlaam* Matter? In that matter, the Commission
16 voted to censure the attorney who did not
17 cooperate with the Grievance Committee,
18 testified, they felt, deceitfully and the
19 Commission basically said that because he's
20 been impacted by, because he's been punished
21 by the Grievance Committee there's no reason to
22 think that we are hiding anything and removal is
23 not warranted in this situation, just a censure.
24 How do you square the two up?

25 MS. DIPALO: Yes, Judge Falk. *Barlaam*

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is distinguishable from this case for a number of reasons. And, there's also another case in which the Commission censured a judge who had also been censured by the Grievance Committee and that's *DiStefano*. This case is distinguishable because when a judge, when a grievance committee censures an attorney, they can still practice law. So, the Commission, when the Commission censures a judge, the judge can still remain on the bench. What we have here is a situation where the Appellate Division has found that Judge Gonzalez is unfit to practice law. He's not permitted to appear in the courtroom as an attorney. He's not permitted to appear before a judge as an attorney. He's not permitted to give legal advice. To allow him to return to the bench and sit in judgment of other people, to rule on cases, to set bail, to impose fines while he's a suspended attorney would be incompatible. And I would also like to point out, if you take a look at the *DiStefano* determination, what the Commission said is one of the reasons that they censured Judge DiStefano for one, I believe it was two cases of client neglect, is that they found that removal wasn't required because the

1 judge, the Appellate Division had only censured
2 the judge. And they said that had they disbarred
3 him or suspended him, removal may be required.
4 And one final point just to distinguish *Barlaam*
5 and *DiStefano* further, is in both of those cases
6 you did not have a judge who lied under oath.
7 Judge Gonzalez lied under oath multiple times
8 before the Grievance Committee. And I would
9 direct your attention to *Matter of Collazo*, which
10 I think is helpful here. In *Collazo*, the
11 Commission removed the judge after he testified
12 falsely under oath and gave dishonest responses
13 to two committees about a pending Commission
14 investigation. And what the Commission and the
15 Court of Appeals in *Collazo* found was that a
16 judge, what they found was that the judge's
17 underlying misconduct that was the subject of
18 the investigation and that was an inappropriate
19 comment to an intern, the judge's underlying
20 conduct by itself did not warrant removal. What
21 warranted removal was his dishonest and
22 deceptive conduct, his outright, untruthful
23 behavior in trying to conceal the pending
24 investigations and that rendered him unfit to
25 remain on the bench.

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JUDGE MAZZARELLI: Ms. DiPalo?

MS. DIPALO: Yes?

JUDGE MAZZARELLI: What if anything does the fact the position that Judge Gonzalez holds does not require that he be an attorney, have on your position?

MS. DIPALO: I would say that, again, all judges whether they are attorneys or non-attorneys, are held to highest standards of conduct. And, as I've said, his conduct as an attorney of lying, lying under oath and showing incompetence as an attorney renders him unfit to sit on the bench. Whether he is an attorney, whether he's required to be attorney or not be an attorney as a judge. The public can't trust somebody who has been suspended from the practice of law, who's been found unfit to practice law, to hear their cases. It will diminish public confidence in respondent, in his court and in the entire judiciary.

MR. BELLUCK: All right. Thank you very much.

MS. DIPALO: Thank you.

MR. BELLUCK: Judge Gonzalez, are you ready to proceed?

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JUDGE GONZALEZ: I am. Yes.

MR. BELLUCK: Okay. Please proceed.

JUDGE GONZALEZ: Thank you. I will keep my response extremely curt.

One, primarily I do want to address the allegations by Ms. DiPalo. Just to clarify, from my perspective there was a suspension issued for six months. Subsequent to that suspension, in fact, I signed an agreement to accept a two-year suspension of which the six months was, in essence, built in. Theoretically, as per the agreement which I myself acknowledged conceding that there were some underlying issues, the court could have ultimately suspended me for two and a half years, as opposed to the two years in totality. That being said, there was a prior history with the First Department and I in conversations with my own attorney and presentations with my own attorney on underlying proceedings, we discovered that the mailing by the First Department had actually in fact been sent to the wrong office address. So, I'd unfortunately never received notification of that. Once, and subsequent to that point, whenever requested I listed that the First

1 Department sanctions that they took.

2 With regards to Connecticut, I did not
3 report the Connecticut matter within thirty days,
4 as Mr. Raskin noted that that is absolutely,
5 without question, true. Now when we did report
6 it, as my counsel during proceedings with the
7 investigator on the underlying grievances when
8 asked with regards to any other claims, my
9 document, my form did state no other claims.
10 The attorney that was handling my matter was
11 intimately connected with the Connecticut matter
12 and was aware of the Connecticut proceedings
13 and at that juncture he clarified and he
14 questioned like, Mr. Gonzalez do you recall, yes
15 I do. In my opinion, at that juncture, that was
16 not something that was public. So, I made an
17 error, an error in judgment, in error in
18 documenting the history. But, however my
19 attorney clarified that matter rather quickly and
20 made it very clear.

21 Secondly, my attorney then at that
22 juncture, Mr. Bernard Alter requested of Mr.
23 Forrest Strauss of the Committee what
24 procedurally should we do at this juncture. And
25 we were informed that we should contact OCA.

1 We did. We took the steps of following up with
2 OCA and then were informed that moving
3 forward with OCA was not the appropriate thing
4 to have done. By that time, Mr. Strauss had
5 contacted the Grievance Committee and had on
6 his own in essence taken the appropriate steps to
7 notify with regards to the censure out of
8 Connecticut.

9 As to the underlying matters, I have
10 addressed the issues with the Grievance
11 Committee. I have also taken extreme steps in
12 order to correct issues underlying personally.
13 Unfortunately, many of the issues alleged here
14 which I have acknowledged responsibility for
15 and accepted a suspension for came about from a
16 lengthy period of time where my wife, who is
17 now a licensed attorney in the state of New
18 York, was extremely ill as well as several other
19 immediate family members which lead to the
20 death of one of the immediate family members,
21 my father-in-law. My mother-in-law received
22 having a surgery for cancer. My wife donating a
23 organ to her mother. It was literally quite
24 possibly the most trying emotional time for me.
25 In all honesty, it should not have been a period

1 of time where I perhaps was even actively
2 engaged in practice. I acknowledged that. I've
3 very readily admitted that and discussed that
4 with the Grievance Committee. I have also as a
5 result engaged in a program with regards to the
6 State Bar Association for a – they monitored a
7 year-long period of time where I underwent a
8 therapeutic process. All of that was reported and
9 presented to the Grievance Committee.

10 With regards to the ascension to being a
11 judge, I was elected by the Village of Elmsford,
12 a village which I reside and resided in. There
13 may be an issue there and in all honesty I may
14 have to withdraw anyway regardless of these
15 claims because simply at this juncture I find
16 myself in London and I am again addressing an
17 issue with my mother-in-law and her health and I
18 may be physically relocating, which would
19 require me to withdraw regardless on this
20 position. That being said, it is a position that I
21 have taken very seriously. I have absolutely no
22 complaints with regards to my performance as a
23 judge while I've been on the bench. Actually,
24 the exact opposite has been true. I have received
25 nothing but praise from fellow judges, from

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prosecutors, from other attorneys. And I have, in essence, ensured that I follow-up and follow through with everything requested of me. That being said, unfortunately many of the circumstances –

JUDGE MILLER: – Judge Gonzalez? It's Judge Miller. I just had a question.

JUDGE GONZALEZ: Of course.

JUDGE MILLER: The Commission's attorney spoke quite strongly about your alleged lying to both the, to Grievance. Can you comment, is that, have you commented by pointing out your failure to first report and then correct or are they making reference to other alleged lies and if so, could you just focus on that for a moment?

JUDGE GONZALEZ: Of course. Absolutely. No, that's a great question. From my perspective the focus was on failure to report, the failure to make a presentation and then taking the perspective it seems that I was disingenuous with regards to when I presented and what information I presented. Unfortunately, there was a period of time where I was unrepresented initially on the grievance matters and, you know,

1 I think all of the issues underlying were
2 subsequently corrected and addressed. Once
3 counsel came in, he was very clear as to my prior
4 past and contact. He also was intimately aware
5 as noted with regards. I think any issue with
6 regards to any false information or any
7 information that I may have mistakenly placed or
8 not placed on the forms was corrected by us.
9 And, was not only corrected by us, my counsel at
10 the time and in conversations very specifically
11 informed the investigator of what those issues
12 were, what the results were. And, we did then
13 subsequently ask how to procedurally move
14 forward. Now, unfortunately, I did not –

15 MS. GRAYS: – Judge Gonzalez?

16 JUDGE GONZALEZ: Yes, of course.

17 MS. GRAYS: I have a question. When did
18 you decide that you were going to seek the
19 position of being a judge?

20 JUDGE GONZALEZ: I, well, that's a
21 great question. I was approached by a, they are
22 apparently, there are currently not a significant
23 number of potential candidates within the
24 village. I was a member of the Democratic
25 Committee of the Village. There was one other

1 individual who sought the possibility of running
2 for judge and he, at that juncture, was a part of
3 the fire department of the village. That being
4 said, I was asked at that point by some members
5 of the Committee, would I consider running for
6 judge? I ran on the Democratic as well as the
7 Republican ticket, so I was in essence –

8 MS. GRAYS: – Judge Gonzalez?

9 JUDGE GONZALEZ: Yes, of course.

10 MS. GRAYS: I'm going to interrupt. You
11 are telling me so there's a process. I want to
12 know when. When did you decide? Was it
13 before April 2021? Was it after the issues with
14 your family had been resolved? I just want to
15 understand the timeline for when those next
16 actions occurred.

17 JUDGE GONZALEZ: Very good. Thank
18 you. I apologize for going a bit off tangent. So,
19 I would say that in fact the election occurred a
20 few months prior to April. So, I had been
21 elected significantly quite a bit of time before
22 then. And then I had took the bench on an April
23 date. However, on the April date, however the
24 process to become elected or to get on the ballot
25 easily occurred six to eight months prior. By

1 then I had already completed a significant
2 amount of therapeutic treatment. I had
3 completed a year long monitoring by the State.
4 As a matter of fact, I was only requested to do a
5 year's worth of monitored treatment. I actually
6 still continue to see the same therapist and
7 continue to discuss the underlying issues.

8 Now, unfortunately, I can't say that some of
9 the aggravating factors have returned. That I just
10 noted –

11 MS. YEBOAH: – Judge? Excuse me. I do
12 have one question. I apologize for interrupting
13 you but I need to be clear on one point. And it
14 goes back a bit to the question Judge Miller
15 asked you. Are you, I believe what I've heard
16 you say is that your failure to report the prior –
17 the discipline prior to becoming a judge was due
18 to the fact that you thought it wasn't required
19 because it was prior to being a judge so you
20 didn't report because you thought you were not
21 required to report that? Am I clear on that?

22 JUDGE GONZALEZ: Well, with regards,
23 there were two specific instances that were
24 noted. There was action taken by the First
25 Department and then action with regards to

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reciprocal sanctions from Connecticut. So, just to clarify with regards to Connecticut, I am, I was admitted federally, not state so I couldn't practice outside of appearing at any juncture, if I were not suspended, outside of federal proceedings which I don't foresee myself ever, in essence, participating in again. And so there would be no issue of me presenting or ever at any juncture, anything before Connecticut. Not that that's the point here. But that being said, with regards to that matter and that discipline, I did not believe that that was something that I needed to report. I did not believe that that was of the nature of something that needed to be reported or was required for me to report.

Unfortunately –

MS. YEBOAH: – You said that was because, because you said it was not public discipline –

JUDGE GONZALEZ: – That's correct. –

MS. YEBOAH: – that you needed to report it?

JUDGE GONZALEZ: That is correct. I did not think that –

MS. YEBOAH: – Okay. Thank you. –

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JUDGE GONZALEZ: – I was required to.

MS. YEBOAH: I just wanted to be clear on that point. Thank you.

JUDGE GONZALEZ: Of course.

JUDGE CAMACHO: I may have misheard earlier, Judge, but did you say that there was an issue of where the First Department letter was sent, the address, is that right?

JUDGE GONZALEZ: Correct. Correct. And that was already presented.

JUDGE CAMACHO: Tell me about that.

JUDGE GONZALEZ: Well, I do note that it came up during proceedings and it was, in essence, a surprise to me. We, in essence, I, I thought, unfortunately, I thought that not very, nothing had occurred with that matter, or I heard from my perspective I felt as if I'd heard nothing for a very lengthy period of time. There were other matters subsequent which I heard a response from the Committee. That being said, once upon investigation and going back to the First Department and between my attorney and I, in essence, the address where the mailing was sent was placed incorrectly. So, the full address was not accurate, as to where the mailing by the

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First Department was sent. So, that being said, we took the position and I honestly believed that that to be true that I simply was not notified.

However, we took extra steps –

JUDGE CAMACHO: – Are you saying you never actually got it?

JUDGE GONZALEZ: Yes. That is correct. And then, then we took active steps. I personally went to the First Department and took, received a copy of all the documentation as well as the decision and then subsequent to that, any time where it was requested that any prior discipline be revealed, that was listed. And not only was that listed, it was made very clear that there were the two, there were prior disciplines from the First Department as well as discipline associated with, my apologies, as well as discipline from the Connecticut Federal Committee and then of course the suspension as a result of the reciprocal response to the Connecticut action.

JUDGE MAZZARELLI: I'm confused. If you could clear up this confusion for me. I thought you had said that you didn't disclose the First Department action because it was not

1 public. And now you are saying you didn't
2 know about it and you didn't find out about it
3 until later. So, I'm confused about that. I'm also
4 a little confused about whether or not the inquiry
5 that you were responding to was limited to
6 public discipline or any discipline?

7 JUDGE GONZALEZ: That's a great
8 question. So, just to clarify, I am speaking about
9 two completely distinct instances with regards to
10 the discipline from the First Department. We
11 took the position – and I am taking the position
12 now that I did not know at the time. I then
13 subsequently took steps to secure the information
14 with regards to what the discipline was and
15 receive a full transcript. And, subsequent to that
16 that was revealed in any and all forms which I
17 was requested and required to fill out.

18 With regards to Connecticut and the
19 discipline in Connecticut, that is where I am
20 taking the position and stating it for the
21 Committee that I did not, in all honesty, believe
22 that it was something that was required to be
23 revealed. Once it was made clear to me we did
24 take steps to reveal it and to ensure that we took
25 the proper procedural steps to ensure –

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JUDGE MAZZARELLI: – In Connecticut, you received a private admonition, is that correct?

JUDGE GONZALEZ: I don't believe so. I believe now in retrospect it was a censure and –

JUDGE MAZZARELLI: – Private censure or public censure?

JUDGE GONZALEZ: I believe now in retrospect, now in looking at it and with the information that I have now, it was public.

JUDGE MAZZARELLI: And what about in the First Department? How was that discipline characterized?

JUDGE GONZALEZ: The characterization there was also, in essence, a censure. And it was also public as well.

JUDGE MAZZARELLI: So, there was no private discipline.

JUDGE GONZALEZ: There was no private discipline.

MR. ROSENBERG: Can I ask you, when did you first have your personal family problems that you mentioned earlier? When did they first arise?

JUDGE GONZALEZ: The issues occurred,

1 they began quite a few years ago. I would say
2 the initial instance of my father-in-law becoming
3 ill leading to his death was approximately 2015.

4 MR. ROSENBERG: So, I'm looking at the
5 decision of the Second Department and they
6 found that you had neglected five matters
7 starting in 2013, which was two years prior to
8 the date your father-in-law became unfortunately
9 ill.

10 JUDGE GONZALEZ: Yes.

11 MR. ROSENBERG: So, why did that
12 occur?

13 JUDGE GONZALEZ: With regards to
14 matters in 2013, I am assuming that is associated
15 with prior disciplines because I believe that
16 anything presented currently or currently
17 outstanding the issues presented here are
18 significantly more current. That being said, I
19 think that there was, again, a very lengthy period
20 of time. When I say 2015, that was my father-in-
21 law's diagnosis with cancer, ultimately leading
22 to his death. Prior to then there was a significant
23 period of time where I was also just simply
24 emotionally impacted and these were issues that
25 I addressed with my therapeutic process. With

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regards to 2013 specifically and that time frame, I unfortunately don't have much of a response to this committee at this juncture. I don't recall. I do recall that the time frame for illness really is more accurate to 2015.

JUDGE CAMACHO: Judge, let me ask you this. In leading, the events leading up to the election, were the voters that voted for you ever, was it ever disclosed to them your issues, your shortcomings in your practice? Was that part of the campaign? Was that part of the election? Were those issues disclosed?

JUDGE GONZALEZ: The issues were never disclosed. The issues were never presented. The issues were never inquired of. And, again as noted, it's not required that in -- well, at this juncture now I know that it's not required that I be a licensed attorney in order to be a village judge. But at the time there was no other candidate that seemed to be interested in the position. I had commenced campaigning, which if you could call it that because the campaigning was literally appearing one time to be questioned before a Democratic committee and a Republican committee and at that juncture

1 the questions were more of a personal nature.
2 And they were more of the nature of my family
3 and my ties to the community, etc. It was not, it
4 was never inquired. And, I did not at any
5 juncture formally say I am currently undergoing
6 or I have an issue with the Grievance Committee
7 which might lead to a problem because
8 unfortunately at the time I had not received the
9 suspension or anything else as of yet, so I was
10 unaware of what the ultimate result of those
11 investigations were. Now, had I been suspended
12 from the practice of law at sometime during my
13 campaigning, would that have been something to
14 have revealed? I think that would have been
15 something that I would've absolutely had to have
16 revealed.

17 MR. RASKIN: Judge Gonzalez, if I may.
18 Both the rules for attorney discipline under 1240
19 22 NYCRR 1240 and the rules of professional
20 conduct each independently have a statute
21 requiring an attorney to divulge the censure or
22 discipline, not necessarily censure but censure,
23 suspension or other discipline in an out-of-
24 jurisdiction court. Is it fair to say that you did
25 not do this proactively until you were called on

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the carpet?

JUDGE GONZALEZ: That is absolutely fair and that did not occur during the time frame and that characterization would be accurate.

MR. RASKIN: Lastly, in your preliminary dealings with the Grievance Committee, both the First and Second Department, had you revealed the prior admos referenced by Ms. DiPalo earlier? Or did I mishear that?

JUDGE GONZALEZ: They were, yes. They were revealed. They were presented in forms that were requested. However, there definitely was a discrepancy in that not the entirety of the disciplinary history had been revealed initially. Then that was clarified once my attorney came in and every other form subsequent the appropriate and correct revealing of the information, not based on my opinion or based on what I thought I had to reveal but what in fact my attorney informed me I must reveal and was required for me to reveal.

MR. RASKIN: And I trust you don't question your obligation as an attorney to be mindful of the rules of attorney discipline and the rules of professional conduct?

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JUDGE GONZALEZ: Without question,
Mr. Raskin. Absolutely.

MR. RASKIN: Thank you, sir. Thank you,
Judge Gonzalez.

JUDGE GONZALEZ: Thank you.

MR. BELLUCK: Judge Gonzalez, is there
anything else you'd like to add at this point?

JUDGE GONZALEZ: Nothing else.
Thank you.

MR. BELLUCK: Any members of the
Commission have any other questions for Judge
Gonzalez?

MR. ROSENBERG: Yes. I have one
question if I may. When did you first seek any
kind of treatment for the problems that
apparently began almost nine years ago?

JUDGE GONZALEZ: Approximately
three years ago. I began a regular, regular on-
going therapeutic treatment and that was
reported to the State, that was reported to Mr.
Strauss. And that was monitored by the New
York State Bar Association.

MR. ROSENBERG: So, that was six years
after the onset and only after there were
disciplinary proceedings brought against you?

1 JUDGE GONZALEZ: That definitely was
2 subsequent to the commencement of disciplinary
3 proceedings, yes.

4 MR. ROSENBERG: Thank you.

5 JUDGE GONZALEZ: It was not prior.

6 MS. GRAYS: Could I –

7 MS. YEBOAH: I do have one –

8 MS. GRAYS: – Could I ask one more
9 question?

10 MS. YEBOAH: No, after you. After you,
11 Ms. Grays.

12 MS. GRAYS: Okay. Thank you. One
13 other question, as far as either campaigns that
14 you described – can you hear me?

15 JUDGE GONZALEZ: Yes.

16 MS. GRAYS: Okay, thank you. So, Judge
17 Gonzalez, as it relates to your campaign, which
18 you state it was rather limited, did you appear
19 before any judicial screenings of committees or
20 commissions, appear before any bar associations
21 concerning your (INAUDIBLE)?

22 JUDGE GONZALEZ: None, whatsoever.
23 No. I literally appeared on a, I simply appeared
24 between, before two committees of local
25 residents representing the Democratic and

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Republican parties, nothing else.

MS. GRAYS: And during those meetings, no one asked about any prior disciplines or any other action?

JUDGE GONZALEZ: Not, not at all. The inquiry was more directed at my length of living within the community, any activity within the community. At the time I was actively involved in a non-profit that I had founded with two colleagues out of Bronx County and unfortunately that was, there were questions with regards to that project and nothing further.

MS. YEBOAH: One question, Judge, if I may. I wish you the very best. First let me say I wish you the very best with your family situation that has required you to be in London at this time. My question is, in the fullness of time as that situation resolves itself in whatever manner, do you see yourself ever moving back to New York State, if you have to relocate there?

JUDGE GONZALEZ: It could. My ties have always been to the State of New York. I have always lived in the State of New York. I've only practiced in the State of New York. So, yes, without question, I do see myself relocating

1 back to the State of New York, if I am required
2 to relocate to London here for a period of time.
3 I'm unsure if that's going to be the case at this
4 juncture. However, it very well, it really without
5 question seems as if it's going in that direction
6 that I would physically have to be out of the
7 jurisdiction for a lengthy period of time. And as
8 a result there would be no option for me other
9 than to seek to be, seek to withdraw from the
10 position.

11 MS. YEBOAH: And at some point as that
12 resolves over time, you would see yourself
13 moving back to New York State?

14 JUDGE GONZALEZ: Absolutely. Yes.

15 MS. YEBOAH: Thank you, Judge.

16 JUDGE GONZALEZ: Of course. Thank
17 you. Mr. Belluck, you are muted.

18 MR. RASKIN: Joe, you're muted.

19 MR. BELLUCK: Yes. Ms. DiPalo are you
20 ready to proceed with any rebuttal?

21 MS. DIPALO: Yes. Thank you, Mr.
22 Belluck. I have two very brief points. First, I'd
23 like to point out that while Judge Gonzalez
24 maintains that he wasn't aware that he received a
25 public censure in Connecticut or he wasn't aware

1 that it was public, if you look in the record the –
2 he entered into a written stipulation. He agreed
3 to a public censure. So, his claims that when he
4 testified before the Grievance Committee he
5 didn't realize it was public, should be
6 disregarded.

7 My second point is, I would just ask you to
8 look at his conduct in this case, in the
9 Commission proceeding. He's claiming that,
10 you know, he has rehabilitated himself. He's
11 remorseful, but he filed an untimely answer. He
12 didn't submit a brief on sanctions. And, I would
13 just submit to you that if he remains on the bench
14 we should expect more of the same.

15 JUDGE MILLER: Counsel, can I ask you a
16 question?

17 MS. DIPALO: Yes.

18 JUDGE MILLER: The lies that you refer
19 to in your opening statement, are they restricted to
20 his failure to disclose the discipline in his initially
21 inaccurate statements with respect to the same or
22 are there any other lies relating to his subsequent
23 practice of law or items or is it just focused on
24 those points?

25 MS. DIPALO: I would say the primary

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focus would be on his behavior, his untruthful behavior before the Grievance Committee. But I would ask you to take a look at –

JUDGE MILLER: – And that consisted of what?

MS. DIPALO: That consisted of completing background questionnaires where he was explicitly asked, have you ever been the – have you ever had a complaint of attorney misconduct filed against you that has resulted in discipline in any other jurisdiction apart from the Ninth Judicial District. And he didn't disclose the First Department letter of admonition or the public censure in the District Court of Connecticut. Then, when he testified under oath multiple times he said he'd only been the subject of investigations by the First Department Disciplinary Committee and the District of Connecticut. And, he denied, he explicitly denied that he had been, he had received a discipline in either jurisdiction. And then when he was given the chance to correct his testimony, to say hey maybe I was censured, he failed to do so. And just getting back to your question, Judge Miller, I think if you look at the Appellate Division's order,

1 the December 2021 order where Judge Gonzalez
2 was suspended for eight months, he was found to
3 have committed several acts of misrepresentation
4 toward his clients. Without getting into all the
5 details, I believe, you know, he told clients that
6 yeah, I can take your case, this is fine, let's file an
7 action, when he knew the statute of limitations
8 had expired. Or in another case, I think your case
9 has a lot of merit. Let's bring this action. Let's
10 bring this 1983 action full well knowing that he
11 wasn't going to be able to succeed; that the case
12 was going to be dismissed on its merits.

13 And I would just submit to you that it's the
14 Judge's misconduct as an attorney, his
15 incompetence, his neglect of matters, his frivolous
16 conduct coupled with his untruthful behavior
17 before the Grievance Committee that makes him
18 unfit to remain on the bench.

19 MR. SEITER: Ms. DiPalo, I have a
20 question for you.

21 MS. DIPALO: Yes?

22 MR. SEITER: The Judge indicated that he
23 had not in some way had not gotten notice yet of
24 his censure or of the decision. Can you refute that
25 in any way because with the answers that he gave

1 to the Grievance Committee, had he gotten that
2 notice, did you confirm that he in fact did have
3 that notice?

4 MS. DIPALO: That's not part of the
5 record. What I have, what we have before us is
6 the Appellate Division's decision in which the
7 Appellate Division made the finding that he
8 lacked candor when he said that he hadn't
9 received the letter of admonition from the First
10 Department. Or when he said that he hadn't been
11 publicly censured by the District Court of
12 Connecticut. I would submit to you that there's
13 nothing in that opinion that talks about Judge
14 Gonzalez never having received the letter of
15 admonition or not being aware that the
16 Connecticut discipline was public. But again, I'm
17 going to reiterate this point. He entered into an
18 agreement in Connecticut where he agreed to a
19 public censure. It's in the record. It's a public
20 censure that he signed on to.

21 MR. SEITER: Thank you.

22 MS. DIPALO: I believe you are muted,
23 Mr. Belluck.

24 MR. BELLUCK: I'm sorry. Anything else
25 you want to offer?

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MS. DIPALO: No. Thank you for your time.

MR. BELLUCK: Okay. Anybody else on the Commission have any questions for Ms. DiPalo?

All right. With that this concludes the hearing in the *Matter of Judge Gonzalez*. Judge, thank you for participation. Ms. DiPalo, thank you. Celia, if you'll conclude things, please.

JUDGE GONZALEZ: Thank you.

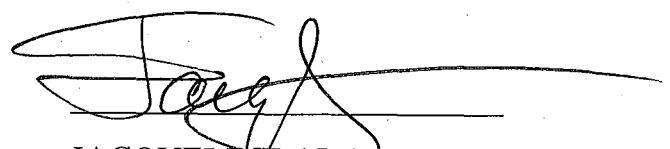
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CERTIFICATION

I, JACQUELINE AYALA, an Assistant Administrative Officer of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording of the proceedings transcribed by me, to the best of my knowledge and belief, in the matter held on March 17, 2022.

Dated: March 30, 2022



JACQUELINE AYALA