

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

---

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

**LINDA S. JAMIESON,**

a Justice of the Supreme Court,  
9<sup>th</sup> Judicial District, Westchester County.

---

**NOTICE OF FORMAL  
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Linda S. Jamieson, a Justice of the Supreme Court, 9<sup>th</sup> Judicial District, Westchester County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon her to serve the Commission at its New York office, 61 Broadway, Suite 1200, New York, New York 10006, with her verified Answer to the specific paragraphs of the Complaint.

Dated: July 22, 2019  
New York, New York

**ROBERT H. TEMBECKJIAN**  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway  
Suite 1200  
New York, New York 10006  
(646) 386-4800

To: Richard M. Maltz, Esq.  
Attorney for Respondent  
488 Madison Avenue, 10<sup>th</sup> Floor  
New York, New York 10022

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

---

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

**FORMAL  
WRITTEN COMPLAINT**

**LINDA S. JAMIESON,**

a Justice of the Supreme Court,  
9<sup>th</sup> Judicial District, Westchester County.

---

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Linda S. Jamieson (“Respondent”), a Justice of the Supreme Court, 9<sup>th</sup> Judicial District, Westchester County.

3. The factual allegations set forth in Charges I and II state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).

4. Respondent was admitted to the practice of law in New York in 1980. She has been a Justice of the Supreme Court, 9<sup>th</sup> Judicial District, Westchester County, since 2003, having previously served as a Judge of the Family Court, Westchester County, from 1996 to 2002. Respondent’s current term expires on December 31, 2030.

## CHARGE I

5. Respondent filed financial disclosure statements with the Ethics Commission of the Unified Court System for the years 2006 through 2016 that were materially inaccurate, in that Respondent failed to disclose a debt owed to her in excess of \$1,000.

### Specifications to Charge I

6. On or about August 11, 2005, Respondent loaned \$50,000 to Nicholas Natrella to start a business. Mr. Natrella is the son of Vincent Natrella, then the Chairman of the Westchester County Conservative Party.

7. The loan was memorialized by a promissory note that provided that the debt was payable on demand with a 6% annual interest rate. Mr. Natrella repaid approximately \$10,000 of the loan.

8. Under Part 40 of the Rules of the Chief Judge (22 NYCRR Part 40), judges are required to file annual statements of financial disclosure with the Ethics Commission for the Unified Court System.

9. Question 18 of the financial disclosure statement requires the following:

List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 herein above. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

10. Respondent failed to list the debt owed to her by Mr. Natrella on her financial disclosure statements for the years 2006 through 2016.

11. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to conduct her extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that she failed to disclose a debt owed to her as required by Part 40 of the Rules of the Chief Judge, in violation of Section 100.4(I) of the Rules.

### **CHARGE II**

12. In or about September 2014, Respondent lent the prestige of her judicial office and/or permitted her extra-judicial activities to detract from the dignity of her office when she communicated with a bankruptcy attorney, Anne Penachio, and suggested that Ms. Penachio's client sign a confession of judgment and/or exclude the debt that he owed the judge from his bankruptcy filing.

#### **Specifications to Charge II**

13. On or about August 11, 2005, Respondent loaned \$50,000 to Nicholas Natrella. Mr. Natrella is the son of Vincent Natrella, then the Chairman of the

Westchester County Conservative Party. Mr. Natrella repaid approximately \$10,000 of the loan.

14. In or about August 2014, attorney Philip Shelly called Mr. Natrella and left a voicemail message stating that he was calling on behalf of Respondent to settle the matter of the loan. Mr. Natrella informed Anne Penachio, an attorney representing him in connection with a bankruptcy filing, about Mr. Shelly's message.

15. That same day, Ms. Penachio returned Mr. Shelly's call. Mr. Shelly *inter alia* said that he represented Respondent and requested a confession of judgment from Mr. Natrella. Ms. Penachio *inter alia* told Mr. Shelly that Mr. Natrella would not sign a confession of judgment.

16. In the course of the discussion, Mr. Shelly suggested that Mr. Natrella did not have to list Respondent's loan in his bankruptcy filing. Ms. Penachio responded, in words or substance, that the 2005 amendments to the bankruptcy code required that all debts be listed.

17. In or about September 2014, Respondent called Ms. Penachio concerning the death of a mutual former client. At one point during the call, Respondent and Ms. Penachio discussed the loan that Respondent had made to Mr. Natrella. Respondent stated, in words or substance, that she "wanted her money back" from Mr. Natrella. When Ms. Penachio explained that Mr. Natrella had no money and was filing for bankruptcy, Respondent replied that Mr. Natrella could sign a confession of judgment and that he did not have to "list" the loan.

18. At the time of the phone call, Respondent had known Ms. Penachio for approximately 20 years, having practiced law in the same community and attended the same bar association meetings and events. Respondent was aware that Ms. Penachio knew her to be a judge, and Ms. Penachio had practiced before Respondent.

19. In or about January 2013, Respondent issued an order *inter alia* denying a motion filed by Ms. Penachio and her co-counsel in *Verna B. Neilson v. 6D Farm Corporation, et al.* In or about May 2013, Respondent issued a second order in *Neilson* that *inter alia* directed Ms. Penachio and her co-counsel to turn over all books, records and assets belonging to a defendant. Ms. Penachio and her co-counsel appealed Respondent's orders to the Appellate Division, Second Department.

20. On or about December 3, 2014, the Appellate Division, Second Department, affirmed Respondent's orders in *Neilson*. Pursuant to her May 2013 order, Respondent entered an order on or about January 9, 2015 appointing a referee to oversee the delivery of documents.

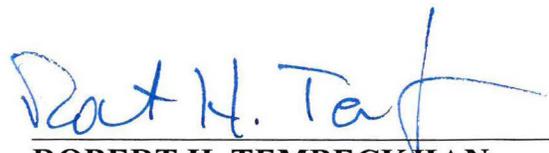
21. On or about January 21, 2015, Ms. Penachio filed a motion seeking Respondent's recusal in *Neilson* based upon *inter alia* the requests made by Respondent and Mr. Shelly during their telephone conversations. On or about May 12, 2015, Respondent granted the motion. Her decision stated that "although the allegations supporting the motion are entirely baseless and distorted," she was recusing herself "to avoid any appearance of impropriety."

22. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44,

subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and lent the prestige of judicial office to advance her own private interest, in violation of Section 100.2(C) of the Rules; and failed to conduct her extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that she failed to conduct her extra-judicial activities so that they do not detract from the dignity of judicial office, in violation of Section 100.4(A)(2) of the Rules.

**WHEREFORE**, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: July 22, 2019  
New York, New York



**ROBERT H. TEMBECKJIAN**  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway  
Suite 1200  
New York, New York 10006  
(646) 386-4800

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

**VERIFICATION**

**LINDA S. JAMIESON,**

a Justice of the Supreme Court,  
9<sup>th</sup> Judicial District, Westchester County.  
-----

STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF NEW YORK        )

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.

  
\_\_\_\_\_  
Robert H. Tembeckjian

Sworn to before me this  
22<sup>nd</sup> day of July 2019

  
\_\_\_\_\_  
Notary Public

**LATASHA Y. JOHNSON**  
Notary Public, State of New York  
No. 01JO6235579  
Qualified in New York County  
Commission Expires Feb. 17, 2023