

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 :

LINDA S. JAMIESON, :

a Justice of the Supreme Court, 9th :
Judicial District, Westchester County. :

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ORAL ARGUMENT

Zoom Video Conference
December 9, 2021
10:41 AM

Before:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Jodie Corngold
Honorable John A. Falk
Honorable Angela M. Mazzarelli
Honorable Robert J. Miller
Marvin Ray Raskin, Esq.
Ronald J. Rosenberg, Esq.
Graham B. Seiter, Esq.
Akosua Garcia Yeboah

Commission Members

Present:

For the Commission

David Stromes, Esq.
Mark Levine, Esq.

For the Respondent

Richard M. Maltz, Esq.
Honorable Linda S. Jamieson

Also Present:

Celia A. Zahner, Esq., Clerk of the Commission

Robert H. Tembeckjian, Esq.
Edward Lindner, Esq.
Denise Buckley, Esq.
Melissa DiPalo, Esq.

Jacqueline Ayala, Assistant Administrative Officer
Marisa Harrison, Public Records Officer
Richard Keating, Principal LAN Administrator

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MS. ZAHNER: Good morning, Mr. Belluck and members of the Commission. This is the oral argument in the Matter of Linda S. Jamieson, a Justice of the Supreme Court. Judge Jamieson is appearing with her attorney, Mr. Maltz. Mr. Stromes is appearing for the Commission.

MR. BELLUCK: Okay. Thank you. In the matter of Linda S. Jamieson, this is the oral argument with respect to the referee's report, a determination of whether misconduct has occurred and if so, what an appropriate sanction shall be.

Counsel will each have thirty minutes for their argument. Counsel for the Commission may reserve a portion of his time for rebuttal. After the initial presentations, the judge may, if she wishes, make a presentation to the Commission not to exceed ten minutes. Counsel for the respondent may reserve time to speak after the judge, but prior to the rebuttal. The judge and counsel are subject to questioning by the Commission at any time during their presentation. Counsel are advised that the argument should be confined to the record and any statements outside the record will be disregarded.

In order to facilitate a clear and accurate record please speak slowly, clearly and directly into

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the camera on your individual computer or device. Please try to refrain from talking over someone else when they are speaking. And, if you have not already done so, please turn off your cell phones at this time.

If counsel needs a break in the proceeding to consult with their client in a private breakout room, please make that request during the proceeding. And if there are any technical difficulties we will pause the argument and any time lost will not be counted against your presentation.

Commission proceedings are confidential pursuant to the Judiciary Law Section 45. Other than the recording being made by the Commission IT staff, no one shall make any video or audio recordings today or take any screenshots or photographs of any portion of the proceeding.

I want to welcome the Judge and Mr. Maltz to the argument, as well as Mr. Stromes and ask counsel if they understand and acknowledge the procedures as I have described them?

MR. MALTZ: Yes, we do, Mr. Belluck.
Rich Maltz.

MR. BELLUCK: Okay. Thank you.

MR. STROMES: Yes, Mr. Belluck.

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MR. BELLUCK: Thank you. Are you ready to proceed, Mr. Stromes?

MR. STROMES: Yes, Mr. Belluck. With your permission, I would like to reserve five minutes for rebuttal.

MR. BELLUCK: Your head is out of the camera, so –

MR. STROMES: – I have no control over the camera. Rich?

MR. KEATING: I'm on it. One second, please.

MR. MALTZ: Mr. Belluck, while we are waiting, I would just like to point out that because of the virtual nature, Justice Jamieson and myself will be looking down and not sometimes looking at you just because of the set-up of the camera in our conference room.

MR. BELLUCK: Sure.

MR. MALTZ: It's not disrespectful. We are not trying to avoid anything. It's just the nature of the set-up as you can see.

MR. KEATING: How's that Mr. Belluck?

MR. BELLUCK: Much better. And, Mr. Maltz, thank you and understood. Okay. Please proceed.

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MR. STROMES: Thank you. Good morning, Mr. Belluck and members of the Commission. My name is David Stromes, Litigation Counsel.

The misconduct in this matter stems from a \$50,000 cash loan that respondent made in 2005 and then failed to report to the Ethics Commission on her annual financial disclosure statements for the next thirteen years. While any misreporting on these financial disclosure statements violates the rules, respondent's misconduct is particularly troubling because the circumstances surrounding the \$50,000 loan suggest that her omission was part of an intentional effort to conceal the loan from the public eye, particularly given the identity of the recipient, Nicholas Natrella, the son of a local politician who was influential in respondent's campaign for her Supreme Court seat.

MR. BELLUCK: Mr. Stromes?

MR. STROMES: To make matters worse –

MR. BELLUCK: – Could I just ask you a question to clarify the Commission's position? Is the Commission arguing that the loan itself was improper? Or –

MR. STROMES: – No.

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MR. BELLUCK: Just the failure to report it?

MR. STROMES: Correct. There is nothing improper about a judge lending money. A judge, like anyone else, can lend money as they see fit and can pursue legal recourse if the loan is not repaid. Judges are under an ethical obligation, however, to report all loans over \$1,000 that are not made to a relative. And here, we have a \$50,000 cash loan that was omitted from the financial disclosure statements, not once, not twice, but for thirteen consecutive years.

MS. CORNGOLD: Can I ask a question? Is there any inference that a cash loan of that size is considered improper if it's a very large cash amount?

MR. STROMES: Oh, certainly. And it raises a lot of red flags, not just the fact that the loan was made in cash. But this wasn't even cash that was withdrawn from the bank such that we have any sort of record or paper trail. It's cash that she kept in her home because she was planning to buy at some point a gold watch. And beyond the fact of it that just being cash, while there was a promissory note, respondent kept the only copy, didn't give a copy to Natrella at the time he signed it or years later when

1 he asked for one. It was unsecured. So, that's an
2 extremely risky proposition for that much cash. She
3 gave the loan with no business plan. And then when
4 she tried to collect on the loan, all of her attempts
5 were verbal. It was a series of phone calls, nothing
6 in writing, no written requests. And the culmination
7 of those phone calls, the last of which was from
8 respondent personally to Natrella's attorney, was
9 when she found out Natrella was filing for
10 bankruptcy to ask that the loan be omitted from the
11 bankruptcy filing. All of that, the referee found, was
12 part of a loan that had all the earmarks of –

13 JUDGE MILLER: – Mr. Chair, can I ask a
14 question?

15 MR. BELLUCK: Yes, go ahead.

16 JUDGE MILLER: My question is it, if you
17 don't prove the motivation, i.e., in order to favor or
18 curry favor with the former chair of the Westchester
19 County Conservatives, if we determine that that
20 hasn't been established by the record/evidence, is
21 your position still that the judge should be removed?

22 MR. STROMES: Yes, Your Honor. The
23 motivation for concealing the loan and not reporting
24 it is not one of the elements of the misconduct. The
25 Commission, Commission Counsel does not have to

1 prove why the loan was intentionally omitted, but I
2 would submit that even if that motivation, that
3 particular motivation is not found, the circumstances
4 of the loan are still highly suspicious and are much
5 more consistent with an intentional effort to conceal
6 the loan, than the innocent mistake that respondent
7 claims.

8 MS. CORNGOLD: I have a – I'm sorry but I
9 want to interrupt another moment. I'm probably not
10 going to articulate this question right, but is there
11 any issue, she hands, she allegedly hands him
12 \$50,000 in cash, which I have to assume is a
13 problem for the recipient, you know, he didn't ask
14 for the cash. What do you do with that kind of cash?
15 It seems to me that it might, that people might now
16 be looking at him a little suspiciously and where did
17 you get all this cash and so does the fact that, and
18 I'm guessing that she put him in some sort of
19 compromising position based on the cash, also skew
20 towards wondering about, about her behavior in this
21 matter?

22 MR. STROMES: Not only, Ms. Corngold,
23 did Nicholas Natrella not ask for cash, but when
24 questioned about why she gave him cash, respondent
25 didn't even have an answer. She said she didn't

1 really, she said she didn't know why she gave him
2 cash. She thought that Rende might have suggested
3 it. And then, when pushed, she said, and I am
4 quoting page 401 of the record, "I can't really think
5 about it." So, the fact that she gave him cash and
6 didn't really know why and that he didn't ask for
7 cash, all of that compounds and is part of the
8 referee's finding that this was a loan that was
9 purposely structured to avoid any kind of meaningful
10 paper trail and had all the earmarks of an under the
11 table transaction. And, that dovetails with the
12 reasonable conclusion that when it was left off
13 thirteen consecutive financial disclosure statements,
14 it was done intentionally not accidentally.

15 MR. ROSENBERG: I'm confused there. Is
16 there anything wrong in the law or any regulation or
17 disciplinary rule or ethical consideration about
18 lending \$50,000 in cash to anybody?

19 MR. STROMES: No. Not at all, Mr.
20 Rosenberg.

21 MR. ROSENBERG: That's not illegal or
22 improper or unethical, correct?

23 MR. STROMES: Absolutely not.

24 MR. ROSENBERG: And then you said there
25 is no security for the loan. So, what? So, she's

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lending a loan. Isn't her significant other very close with the person she lent the money to?

MR. STROMES: That is certainly true. So, in isolation that fact might not –

MR. ROSENBERG: – Isolation?

MR. STROMES: In isolation, if that were the only suspicious part of this loan. I mean, \$50,000 is a lot of money. So, whether you –

MR. ROSENBERG: – What's the suspicious part?

MR. STROMES: Whether you are lending \$50,000 to a friend, a relative or someone you don't know, it would make sense to secure your interest, especially knowing, as respondent did, that Natrella was going to spend a large portion of that money buying a truck and buying other equipment for his business.

MR. ROSENBERG: I make a living off of people who don't do things prudently and don't get security for loans that they make that we have to try to recover. But so far there is nothing that you've indicated that is illegal, unethical or improper and you are spinning it that because it was given to the son of the former conservative chairman, who is no longer the chairman, and her chair she has been

1 reelected or was elected until 2002 so that she was in
2 the beginning of her term, I don't see what anything
3 could be attributed as being underhanded or trying to
4 hide some sort of nefarious arrangement.

5 MR. STROMES: Mr. Rosenberg, I would
6 submit that the totality of the circumstances
7 surrounding this loan from the cash –

8 MR. BELLUCK: – Mr. Stromes, can I just
9 try to put a finer point on this? And again, the
10 Commission is not alleging that the loan itself was
11 improper, correct?

12 MR. STROMES: Correct.

13 MR. BELLUCK: And, the issue is that after
14 making the loan as required she did not disclose it on
15 her financial disclosure statements, correct?

16 MR. STROMES: Correct.

17 MR. BELLUCK: Okay. So, can I ask you is
18 there anything in the record about why she amended
19 the 2012 and 2013 financial disclosure statements to
20 include her investments in 2015?

21 MR. STROMES: Not beyond what you just
22 said. We know that in 2015 she amended her 2012
23 and 2013 financial disclosure statements to include a
24 retirement account that was either not reflected or
25 not reflected properly. But if I can seize on that for a

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moment, what is significant about that amendment is that she did not take the opportunity to reflect and also amend her prior financial disclosure statements to include this loan. And the reason that's so significant is because of the timing. A month before she made those amendments, in June of 2015, she granted a recusal motion in the *Neilson* matter to Anne Penachio, who was one of the attorneys in that matter and, Natrella's bankruptcy attorney, who she had had that conversation with about the loan and about the bankruptcy filing. So, the loan was very much on her mind because she had just granted this recusal motion based upon the conversation about the loan when she amended those 2012 and '13 financial disclosure statements for this other reason. So, that really undercuts her argument that this was a one-time mistake and that she just copied and pasted, and the loan was out of sight, out of mind. The loan was very much on her mind. She was actively seeking repayment. She was granting a recusal motion based on the loan. And then a step further, in 2017, respondent claimed a federal income tax deduction on her federal return based on the loan. In 2017, she once again did not report the loan on her financial disclosure statements.

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MR. BELLUCK: Okay. I know Judge
Mazzarelli has a question. I just wanted to ask you
one other thing. Is there anything in the record to
indicate why after receiving the initial complaint
from the Commission in 2017 it took the judge
almost two years to amend the financial disclosures
to include the loan?

MR. STROMES: The judge testified at the
hearing that her attorney had recommended that she
not amend at the time and that said, that's in the
judge's testimony. I don't have the pages at my
fingertips.

MR. BELLUCK: Okay. Judge Mazzarelli.

JUDGE MAZZARELLI: Yes, I just wanted
to be clear. The charge here is the failure to disclose
on the financial disclosure statement.

MR. STROMES: Yes, Your Honor.

JUDGE MAZZARELLI: Yet, you repeatedly
make reference to a suspicious circumstance here or
implying that this was a loan that had some kind of
nefarious purpose to it. And even the referee finding
says that that's largely beside the point. He found
that it was a political favor. But, I don't understand
why we are concentrating on that if what we really
have to determine is whether she should have

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disclosed, and she didn't disclose and whether or not there's an adequate explanation for the failure to disclose.

MR. STROMES: Yes, Your Honor. What we have to determine, she has admitted at this point that she should have disclosed and did not. But what is of import is whether or not that failure to disclose was intentional. In matter of *Alessandro*, the Court of Appeals set some pretty clear goalposts and said that a careless, failure to disclose, even something that is extremely careless is not removable conduct. It's not so egregious. But, intentional misconduct, intentional failure to disclose is deceitful and deception is antithetical to the truth-seeking function of a judge. So, the fact that the circumstances surrounding this loan, including who it was to, including that it was all cash, including the amount, including the lack of paper trail, all point to an intentional omission, is what is part of what makes this a removal case.

However, it's not just that –

MR. ROSENBERG: – Lack of paper trail, don't they, I thought there was a promissory note.

MR. STROMES: There was a promissory note, Your Honor, excuse me, Mr. Rosenberg. The

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testimony from respondent about the promissory note was that she didn't know where it came from or who drafted it. And then, she kept the only copy. She did not give a copy to Natrella, not at the time he signed it and not when he asked for it years later from Rende. So –

MR. ROSENBERG: – And what's the significance of that?

MR. STROMES: The significance of that is that respondent had the only written record of the loan.

MR. ROSENBERG: No, I understand that. So, other than she's the only one that had a copy and it would have been more correct or more appropriate for her to give a copy upon request, she had to have the original because possession of the original note is prima facie evidence that debt is still owed. So, other than her discourteous nature of not giving them a copy, what significance legally is that fact and how does it show anything?

MR. STROMES: As the referee found, it's part of the whole package here. It's part of having a loan that doesn't have a paper trail, that is able to be kept secret and one facet of that secrecy is keeping it off the financial disclosure statements.

1 And, one other thing the referee found which
2 is extremely important to sanction here, not just was
3 this an intentional omission, but the referee found
4 that at the hearing respondent, and I'm quoting the
5 report now, intentionally testified falsely under oath
6 on a number of material issues and gave testimony
7 that the referee called implausible, contrived, false,
8 not truthful, blatantly fabricated and simply not
9 credible. That lack of candor finding exacerbates the
10 misconduct and –

11 MR. ROSENBERG: – Could you list –

12 MR. STROMES: – really compels –

13 MR. ROSENBERG: – Could you list the
14 items that the referee was referring to that qualified
15 under that section 'cause I think the referee took
16 leaps and bounds of things that are not supported in
17 the record. So, tell me, cite what the facts are that
18 supported the referee's observation in that respect.

19 MR. STROMES: Absolutely. Absolutely.
20 The referee found that much of respondent's
21 testimony was internally contradictory, internally
22 inconsistent and didn't make sense. And that was
23 part of the underpinning for his conclusion that her
24 testimony wasn't credible. For instance, she testified
25 that Natrella's did not give her a business plan and

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she knew that he was not financially sound, that's why he couldn't get the loan at the bank, but she still found this to be the perfect investment. It doesn't make sense.

MR. ROSENBERG: Why doesn't it make sense? Her significant other was touting this and she foolishly, as it turns out, thought it was an opportunity. So, I don't understand. So, she was stupid.

MR. STROMES: I would submit that it defies common sense to believe that the perfect investment is in someone who is not financially sound and can't get a loan from the bank. She also testified –

MR. ROSENBERG: – Courts would be empty if that wasn't the case.

MS. GRAYS: May I just ask a question that's bouncing off of what Ron is asking? David, could you talk a bit more about the conversation that she had with the attorney that was representing Natrella? I think, is that also considered part of the totality of circumstances that we are looking at?

MR. STROMES: So, that conversation is based, it's both part of the totality of the circumstances for the intentional omission in that all

1 of those efforts to recover the loan, including the
2 conversation with Anne Penachio were verbal.
3 Nothing was done in writing. And the ultimate, the
4 ultimate demand in that conversation when she
5 couldn't get her money back was all right, then leave
6 the loan off of his bankruptcy application, 'cause
7 that would have made it public, the fact that the loan
8 was reflected there. And leaving it off, which is
9 illegal by the way –

10 MR. ROSENBERG: – Wait a second, that's
11 not accurate. I think that by leaving it off the
12 schedules on the bankruptcy, at least under prior
13 law, that would mean that the debt wasn't
14 discharged. And so, she could still collect on it.

15 MR. STROMES: Anne Penachio's testimony
16 was clear on this matter that she was not legally
17 allowed to leave the loan off –

18 MR. ROSENBERG: – I agree. No, no. I
19 agree with that. You have to disclose everything, all
20 your debts and liabilities. But the creditor asking for
21 that loan to be left off is probably for the reason that
22 it won't be discharged in bankruptcy having not
23 been listed.

24 MR. STROMES: But it's also, unless I
25 misunderstand, not allowed to be left off –

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MR. ROSENBERG: – I agree. No, no. You are right. It has to be. It’s supposed to be put on and the request to have him leave it off was improper. There’s no question about that. But it was done for a motive that creditors have all the time which is to not get their debt discharged in the bankruptcy.

MR. STROMES: I would submit that an equally plausible motive here, especially given the referee’s findings and the totality of the circumstances, would be to keep the loan secret as had been done for years at this point.

To return to Ms. Grays’ question, the conversation with Anne Penachio also reflects separate misconduct under Charge II of the Formal Written Complaint, which is that respondent leveraged the prestige of her office to benefit her in the collection effort. Now, to be sure, respondent did not call Anne Penachio and say hey, I’m a judge and I need you to do what I say. We wouldn’t be having this conversation. That wouldn’t even be a close question. But the precedent is clear from both the Court of Appeals and the Commission, beginning with *Matter of Lonschein*, when the Court of Appeals said that when a person with whom a judge deals in private matters is aware of the judge’s

1 office, the judge has to realize that her requests are
2 going to be given more weight than with similar
3 requests made by a non-judge. And that's why we
4 have cases like *Matter of Whelan*, *Matter of*
5 *Sullivan*, *Matter of Clark*, *Matter of Thwaites*. All
6 cases from this Commission in which the judge
7 didn't tout his or her office, didn't even mention his
8 or her office but knew that the person he was
9 speaking with in a private capacity knew of the
10 office and thus created the appearance of
11 impropriety and that was what happened here.

12 Respondent had an attorney, Phil Shelly, call
13 Anne Penachio and make certain demands about the
14 loan. She wants her money back, she wants a
15 confession of judgment, she wants it off the
16 bankruptcy application. And Anne Penachio said
17 no, that's not happening. What respondent did next
18 was make a call to Anne Penachio and say all of
19 those same things herself. They didn't work for
20 Shelly. The only reasonable inference, the only
21 reasonable conclusion to draw here is that
22 respondent thought that if she said them herself, they
23 would carry more weight. And Penachio felt that
24 pressure. Penachio felt that pressure to the extent
25 that she made a recusal motion in *Matter of Neilson*

1 when that case on remand from the 2nd Circuit,
2 ended up back before respondent. And what's so
3 important about that recusal motion is that it really
4 underscores the credibility of Anne Penachio at the
5 hearing. The recusal motion made in 2015 contains
6 the same exact facts about the conversation that
7 Penachio had testified to years later at the hearing.
8 When she made that recusal motion, there wasn't
9 even an investigation, much less formal charges.
10 And remember, Anne Penachio is not the
11 complainant in this case. So, she had no reason to
12 know that a complaint would ever be filed, and that
13 this testimony would ever have to be revived. So,
14 the fact that she set this all out under oath, under
15 penalty of perjury as an officer of the court, years
16 before there was even a complaint underscores the
17 referee's credibility determination that she testified
18 credibly about that conversation and respondent did
19 not.

20 Respondent to the contrary, the referee said
21 while she testified about the Penachio conversation,
22 I observed her demeanor, she seemed equivocal, she
23 seemed contrived and she seemed like she was
24 consciously avoiding the issue of the loan, which
25 was troubling because that's what's at the heart of

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the case.

So, Mr. Rosenberg, to your question before about what is the factual basis for these credibility determinations, that's another one. Having nothing to do with the circumstances of the loan at all.

MR. ROSENBERG: Wait. What is the other one?

MR. STROMES: The fact that Ms. Penachio gave diametrically opposed testimony about the phone conversation versus respondent and based on

MR. ROSENBERG: – What? Excuse me, what was the respondent's testimony on that call?

MR. STROMES: Respondent testified that they had a phone conversation about the death of a mutual friend. They never discussed the loan. They never discussed the bankruptcy.

Going back to the credibility determinations, if I may, there were other aspects of the testimony, factual aspects that the referee rightly relied on in finding that respondent's testimony was not credible.

Talking about the details of the loan itself, respondent didn't even know, didn't even remember, remember she had given over \$50,000 in cash. She didn't remember whether she handed it over,

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whether she, whether it was Rende who handed it over, how they got the money. She wasn't aware –

MR. BELLUCK: – Mr. Stromes? –

MR. STROMES: – where the money came from.

MR. BELLUCK: Can I just clarify one thing. It's not just that Penachio made a motion for the respondent to recuse based on the debt. The respondent actually granted the motion.

MR. STROMES: That's correct.

MR. BELLUCK: And then testified before the Commission that the loan wasn't discussed during the phone call.

MR. STROMES: That's correct.

MR. BELLUCK: So, and, there are two individuals involved in this Penachio, who is a lawyer who has to appear before the judge who not only filed a recusal motion which is not an easy thing to do, and followed what she thought was the ethical thing to do in that situation, but the person who received the loan who the judge has said was almost a relative refused to alter his conduct in the bankruptcy filing under request from the judge as well. Correct?

MR. STROMES: That's correct.

1 MR. BELLUCK: So, you have, of the three
2 actors in the situation, you have the person receiving
3 the loan who felt it was unethical not to report it to
4 the bankruptcy. You have the lawyer who thought it
5 was unethical for the judge to keep hearing her
6 cases. The judge agreed and granted the recusal and
7 then you have the judge's testimony in contrast to
8 that which is what in part, formed the basis for the
9 referee's conclusion that the judge's testimony
10 wasn't credible.

11 MR. STROMES: That's correct, Mr.
12 Belluck. I do just want to clarify that respondent
13 asked Penachio, the attorney, to omit the loan from
14 the bankruptcy application and Penachio said no.
15 So, there's no testimony or evidence as to whether
16 that request was bounced off Natrella himself but
17 Natrella certainly personally refused to give a
18 confession of judgment. Rende called him first for
19 that. He said no. Then the attorney Shelly called
20 him. He again said no. And then Penachio
21 continued that refusal. –

22 MR. ROSENBERG: – Isn't that? –

23 MR. STROMES: – Everything you are saying
24 is correct. And all of that plays into this credibility
25 determination that respondent was not being truthful

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to the Commission. That she demonstrated an extreme lack of candor –

MR. ROSENBERG: – Can I just interrupt for a second. I just want to follow up on what the chair just asked. But her granting the recusal motion, isn't that in her favor that she realized there was an issue based on the relationship she had with one of the lawyers in the proceeding before her? So, rather than have any appearance of impropriety or favoritism or impartiality, lack of impartiality, she granted the motion.

MR. STROMES: One thing that is curious about that, Mr. Rosenberg, is that she now claims in her briefs that she wasn't even presiding over that case at the time. And if that were true, then this motion should have been denied as moot or as academic and dismissed with leave to renew if she ever presided over the case. The fact that she granted the motion when she at the same time saying she is not even presiding over the case I would suggest shows a guilty conscience.

MR. ROSENBERG: Wait a second, wasn't she not the assigned judge who was filling in for another judge?

MR. STROMES: Not that she was filling in

1 for another judge. There was extensive testimony
2 about the way that these cases are assigned in
3 Westchester County and it was respondent's position
4 that this was not her case outside of a couple of
5 isolated motions that she granted which then went up
6 to the Appellate Division and then came back and
7 somehow ended up back before her when she was
8 able to appoint a special referee and by the point that
9 the recusal motion was made, she said she had no
10 more involvement in the case. Yet she granted the
11 recusal motion anyway.

12 MR. ROSENBERG: And the getting the
13 special referee was on consent, right?

14 MR. STROMES: I believe it was on consent.

15 MR. ROSENBERG: And was she the IAS
16 judge? I mean do they have IAS judges in
17 Westchester? Or do they operate outside what the
18 other sixty-one counties do?

19 MR. STROMES: Whether or not they have
20 IAS judges, I am not sure as I stand here. I'm sorry.

21 If I may briefly conclude, for the reasons the
22 referee stated, the ready inference from the totality
23 of the circumstances here is that this loan was
24 intentionally omitted from the financial disclosure
25 statements for thirteen consecutive years in order to

1 mask it and conceal it from the public eye.
2 Respondent impermissibly lent the prestige of her
3 office to advance her private interest in the
4 collection effort when she called Anne Penachio and
5 made a series of demands about the loan. And she
6 gave demonstrably false testimony before the
7 Commission, before the referee in this matter which
8 exacerbates the sanction. For the totality of that,
9 respondent should be removed. Thank you.

10 MR. BELLUCK: Thank you. Mr. Maltz?

11 MR. MALTZ: Yes, Mr. Belluck. I'd like to
12 reserve five minutes as you said I had the right to do
13 please. And –

14 MR. BELLUCK: – Absolutely.

15 MR. MALTZ: Before you start my time, could
16 I just move the podium over, so I can get set because
17 of the way the camera is. I'm very dark. I'm very
18 dark and I hope you can see my face. My face is not
19 that important. You'll hopefully hear me.

20 MR. BELLUCK: It might actually be, I'm
21 sorry, it might actually be better if you stay seated
22 and do your argument –

23 MR. MALTZ: – Oh –

24 MR. BELLUCK: – from there because we
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MR. MALTZ: – Sure –

MR. BELLUCK: – see your face when you're standing.

MR. MALTZ: Sure. No problem. Again, I apologize for the angle. I am ready, Mr. Belluck, when you are ready to start to clock.

MR. BELLUCK: Yeah, please, yup, please proceed.

MR. MALTZ: Good afternoon, Mr. Chair and members of the Commission. I initially had a plan that filled twenty-five minutes to explain why this matter is a travesty and a miscarriage of justice. I also had a plan to tell you why removal was a draconian sanction. As pointed out by my adversary, the Court of Appeals has said that to remove a judge the conduct must be egregious and not just poor judgment or even extremely poor judgment is sufficient. But I am not gonna, not gonna go with my script because many things were said and pointed out by the Commission that I think needs comment. And I am gonna do it in an ad-hoc way because the questions came out in an ad-hoc way. Definitely, not question, not in Justice Jamieson's view, this was not an IAS system. This was a DCM system. There was extensive testimony

1 about that. There's, you can take judicial notice of
2 that. This case was not assigned to Justice Jamieson.
3 She decided two motions in 2013 and she was done
4 with the case. Anne Penachio, who testified about
5 so many bad things that Justice Jamieson did,
6 admitted that. She said, at the time of the call in
7 August or September 2014, there's nothing before
8 Justice Jamieson and she did not expect anything to
9 be before Justice Jamieson in the future. This is
10 Anne Penachio. The judge's law secretary, the
11 judge and Anne Penachio said, when the call was
12 made there was nothing before the judge and they
13 didn't expect there to be anything before the judge.
14 That's definitive. I'm not even sure why Mr.
15 Stromes puts that in question. And that's not a
16 guilty conscience. That's the system at the time.
17 Mr. Rosenberg, you pointed out or asked Mr.
18 Stromes about what was inconsistent, what was
19 contrived, what was equivocal. I asked the same
20 question in my brief. The referee says that around
21 ten times in his report, but he never gives any
22 specifics, no reference to the record, no reference to
23 law. He does nothing.

24 MR. BELLUCK: I'm sorry, Mr. Maltz.
25 Doesn't the referee state in the recommendation that

1 the judge's reasons and excuses for not disclosing
2 the loan for thirteen years are illogical and
3 preposterous? Isn't that the reason why he made that
4 finding because he found that her statements that she
5 didn't realize the loan had to be reported, make no
6 sense?

7 MR. MALTZ: Her testimony was that she
8 made a terrible mistake and poor judgment. But as
9 somebody pointed out, I don't remember which
10 commissioner, this was a friendly loan and you can't
11 lose the big picture in the minutiae here. This was a
12 loan by somebody who called, and this is Mr.
13 Natrella testifying who is the Commission's witness,
14 this was a loan from somebody, he said, was like
15 family, an aunt and an uncle to his children. I felt
16 like family. I trusted the judge. The judge trusted
17 me with the code to her garage, the only person in
18 the world. This was the reason that the loan was
19 given. And because of this, Justice Jamieson made a
20 terrible mistake. She viewed it as sort of well family
21 friends kind of situation. It's not what the form sort
22 of -

23 JUDGE FALK: - Mr. Maltz - go ahead, Joe -

24 MR. BELLUCK: - When did she realize that
25 she made that mistake?

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MR. MALTZ: I think she realizes that mistake when Patrick Carr in 2015, ten years later, referred it to the Commission and the Commission informed her. And to somebody's point, and I don't remember whose, she testified, we got the investigation, I represented her and the investigation went on and at some point she testified without waiving the attorney/client privilege that I said, and this is her testimony not mine, she said I said to her this is water under the bridge. The cat is out of the bag. It doesn't matter whether you report it or not because everybody knows you didn't report it. And she didn't report it. And then she testified for whatever reasons two years later she did report it. She said, I want to keep the record clear and straight and she did report it.

MR. BELLUCK: Okay, so it's the judge's position as you are now, you're articulating that beginning in 2006 when she was filling out the financial disclosure forms despite the fact that the form makes clear that loans have to be reported and are clear that the person who got the loan is not a relative that she didn't realize she had to report it for all those years, okay, that's, that I believe was her testimony. It's what you are saying now that she

1 didn't realize when she amended the returns in 2012
2 and 2013 to add things that she understood were
3 omitted that she again after amending them to add
4 these omissions and cure the issue also didn't realize
5 at that time that the loan had to be reported, that
6 when she was trying to get the loan paid back
7 through the bankruptcy, it also didn't occur to her
8 that it had to be reported. That was there was a
9 recusal motion filed related to it, she also didn't
10 realize it had to be reported and then based on your
11 advice she waits four years to amend them after
12 getting notice or knowledge or our complaint, okay.
13 And you're saying that the referee had no basis to
14 find that her testimony was not credible?

15 MR. MALTZ: I'm suggesting to you, and
16 what the testimony was, was that she was lulled into
17 a feeling the first time. This is a friend. This is
18 almost like family. I wasn't going to report it. A
19 mistake. A huge mistake. A crazy mistake. She
20 admits that. But what she also testified to and we
21 argued in our brief, and the judges on the panel
22 know what the forms look like, it's a check the box
23 kind of form. And she just kept doing that year after
24 year. She didn't every time that she testified about
25 this, oh should I report this or not report this. She

1 didn't report the first time and it sort of went off the
2 radar. And it was a sort of, as I said in my brief, a
3 sort of cut and paste situation. The retirement plan is
4 a very good comparison because in that case it's
5 independent, separate type of situation. It's not a
6 friendly loan to somebody who was "like family,"
7 Mr. Natrella's words. I'm not saying that that was
8 correct. We're not saying it was the right thing. But
9 that was her only explanation. 20/20 hindsight is
10 beautiful. And in 20/20 hindsight, she was crazy not
11 to report it. And she should have been more careful
12 over those years. But at the end of the day it was
13 done, not because of some secret motive, but
14 because she did something really, really stupid. And
15 I—

16 JUDGE FALK: – Counsel, can I stop you?
17 The judge also said that part of the loan was an
18 investment in her significant other, Mr. Rende. And
19 that was another reason why she did not need to
20 report the loan. How does that explain this? I mean
21 the referee talked about the lack of truthfulness.
22 How, in your mind, is that a truthful statement that
23 now she's considering Mr. Rende to be a beneficiary
24 of this loan?

25 MR. MALTZ: Well, Judge Falk, in some

1 respects he was a beneficiary. And just to point, just
2 to put a fine point on it, in Justice Jamieson's mind it
3 was a win/win/win. She was going to do a favor for
4 a friend who was like family. She was going to
5 make some interest. And she was going to benefit
6 Joe Rende, who was going to hopefully have a
7 complementary business as he testified about and
8 also get help. So, –

9 JUDGE FALK: – But Joe Rende, Joe Rende
10 had no ownership in the Natrella business, did he?

11 MR. MALTZ: No. No. He, what he, as he
12 testified he expected to them to complement each
13 other. But to get right to your point –

14 JUDGE FALK: – And they also, they had no
15 business agreements together, either, did they?

16 MR. MALTZ: No. But they were longtime
17 friends. They worked together. Joe Rende helped
18 Mr. Natrella sort of make that next move. He was
19 helping him. And though Joe Rende was not the
20 recipient of the money or part of the agreement, as
21 you can tell from the testimony, he was the
22 facilitator here. He came, and Mr. Natrella doesn't
23 contradict this, he came to Justice Jamieson and said
24 hey can you lend our friend this money? He was the
25 one, and contrary to the argument by my adversary,

1 he was the one that arranged for the lawyer to create
2 the note. That's his testimony. And in fact, as a
3 quick aside, he also testified that he gave the note to
4 Mrs. Natrella, his now estranged wife and she put it
5 in her bag. Mr. Natrella didn't remember that. But
6 Mr. Rende did. He copied it and he gave it to her,
7 just as a quick aside. But the bottom line is, is that
8 Mr., not reporting it cannot be justified by the fact
9 that Mr. Rende was going to benefit. You are
10 absolutely right. But at the same time, she viewed
11 Mr. Rende as a facilitator, as the one making the
12 arrangements for his friend, her friend too but –

13 JUDGE MILLER: – Counsel, could I ask, I
14 am trying, did Mrs. Natrella sign the note as well?

15 MR. MALTZ: Yes. I believe she did.

16 JUDGE MILLER: And has any legal action
17 been taken against her to collect against her? She
18 hasn't –

19 MR. MALTZ: – No action –

20 JUDGE MILLER: – She hasn't filed
21 bankruptcy, correct?

22 MR. MALTZ: She hasn't filed bankruptcy and
23 no action has been taken against her, Judge.

24 JUDGE MILLER: Okay. The purpose of
25 giving the money in cash, I guess the referee also

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found implausible, if somebody gets \$50,000 in cash if they want to deposit it in the bank they'd have to fill out these forms. I think it's over twenty or twenty-five grand.

MR. MALTZ: I think it's \$10,000, Judge.

JUDGE MILLER: \$10,000. So, he's now in a position that he deposits it, he now has to report it to the bank and we don't know how he spent the money. I guess the referee found implausible that who keeps \$50,000 in cash in these days. I guess there are people who do. But, it was to buy a gold watch eventually? I mean the whole explanation just seemed bizarre and I guess –

MR. MALTZ: – Well –

JUDGE MILLER: – that leads to the whole question of, and I guess the referee jumped to this conclusion that the loan, like you only give cash loans and do things in this way if you want to hide this transaction and that's how he, maybe he jumped too far. But, there is inferences. It is a very unusual situation.

MR. MALTZ: I agree, Judge. It's a little unusual to have that kind of cash. Justice Jamieson explained that her mother may be from her time did not put money in the bank and she gave her \$25,000

1 in cash. That was her mother's practice, bad, good,
2 right or wrong, old school or not. She got half of
3 that money from her mother. And, so, yes, it is
4 unusual but at the same time the jump that the
5 referee makes with regards to somehow Justice
6 Jamieson was going to, intended to violate the law
7 because some vendor in the future at some time
8 would not report sales tax, I suggest to you is a jump
9 way beyond anything that's reasonable. And that
10 it's not improper to hold cash in your house. And
11 what Justice Mo did not talk about is, is it wrong for
12 a judge to hold \$5,000 in the house? \$10,000? Are
13 you going to imply because the judge is holding
14 \$10,000 cash in his house or her house, that that is
15 an intent to violate the law? This is a report to you,
16 the Commission. How can he make that statement
17 not knowing anything and not having any evidence?
18 It's not a fair inference and it's not a fair inclusion in
19 a report to this Commission, I suggest to you.

20 Now I would like to, there are so many things
21 that I can respond to, but I'd like to respond to the
22 recusal motion. I can –

23 JUDGE CAMACHO: – Before we leave the
24 issue, sir, before we leave the credibility issue with
25 respect to the referee, he also made a finding that the

1 Judge testified that her call to Penachio was merely
2 prompted by the death of a mutual friend and not
3 about the loan. Is that actually the testimony?

4 MR. MALTZ: Yes. That's the testimony of
5 Justice Jamieson and Ms. Penachio does not dispute
6 that the first part of that call was hey, what about our
7 friend. And what is, seems crazy and a jump is why
8 would Justice Jamieson and counsel argues this is
9 what the report says, why would she use a ruse to do
10 that and then go into the loan? Why? There's
11 nobody listening. There's not being a recording.
12 That's an example of extrapolating from one fact
13 and drawing the most nefarious inference from that.
14 Why would Justice Jamieson need to use a ruse?
15 Why don't you just call up Anne Penachio and say I
16 want your client to pay the money? It's an example
17 of trying to connect dots that just don't make up the
18 theory of the case that counsel has put together and
19 that the -

20 MR. BELLUCK: - Mr. Maltz, aren't you
21 asking us to do the same thing? I mean, isn't part of
22 what the referee's findings are about the judge's
23 credibility based on the fact that in every single area
24 and issue that has been brought up here, there's
25 some excuse? There's an excuse why she had

1 \$50,000 in cash, it's because of her mother did that
2 and her mother gave her the money and she was
3 going to buy a gold watch. There's an excuse why
4 she called Penachio. There's an excuse why she
5 didn't fill out the financial disclosure form. There's
6 an excuse, you know, you say she was cutting and
7 pasting, why she didn't amend it. I mean, aren't you
8 asking us to do the same thing? You are asking us to
9 look at every fact here and draw the inference that
10 it's not nefarious or not intended.

11 MR. MALTZ: Well, with all due respect,
12 when a mutual friend dies I don't think it's a
13 negative inference to say that you would pick up the
14 phone to the person who's very close to that
15 individual and call them. I don't think that's a
16 stretch. There's no evidence and as pointed out by
17 one of the other Commission members, \$50,000 is a
18 lot of cash. I agree. And I also would agree that it's
19 a little unusual to have that much cash. But at the
20 same time, I don't have the burden of proof to show
21 something wrong was being done. And what is
22 troubling and I think it was pointed out by Judge
23 Mazzairelli, I may be wrong, is what subsumed this
24 case is this nefarious motive that she was trying to
25 hide a payoff to Vincent Natrella.

1 MR. BELLUCK: Yeah, but you, even when
2 you are describing things and I don't mean to be,
3 you know, argumentative with you but that's not all
4 the testimony. The testimony is, is that in the
5 twenty-years that Judge knew Penachio, she never
6 called her. Twenty years. Never made a phone call.
7 And all of a sudden, this is the circumstance in
8 which she makes a phone call?

9 MR. MALTZ: Well, there was testimony from
10 Ms. Penachio that she went to Justice Jamieson's,
11 she called it a shiva it was actually a memorial
12 service. She sent Christmas cards to her. Justice
13 Jamieson knew all of her family. This is not a
14 stranger that she didn't know and that she just picked
15 up the phone for the first time with somebody she
16 had no connection with. There was a connection.
17 And the referee does not even point to the fact that
18 they had this connection and that she went to Justice
19 Jamieson's memorial service for her parent and that
20 she sent her Christmas cards and so there was a
21 connection.

22 MS. GRAYS: Mr. Maltz?

23 MR. MALTZ: Yes? Who's speaking, I'm
24 sorry?

25 MS. GRAYS: It's Grays, Ms. Grays.

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MR. MALTZ: Thank you, Ms. Grays.

MS. GRAYS: I just want to – oh, you’re welcome, Mr. Maltz. So, she did make the phone call, right, and during that phone call she did talk about the loan, is that correct?

MR. MALTZ: No.

MR. GRAYS. Okay.

MR. MALTZ: She talked about Mr. Natrella. She talked about Mr. Natrella, not the loan. That was, the testimony was she was talking about Mr. Natrella and she was very upset because she’s heard bad things about what he was doing and she was an old friend of his and a client of hers. So, it’s Justice Jamieson’s testimony, they did talk about Natrella, but did not talk specifically about getting the loan satisfied. That’s Justice Jamieson’s testimony.

MS. GRAYS: So, she did do that. She also was trying to use an attorney to see if she could get the loan repaid. So, there were efforts that were made for her to try and get the loan repaid although they were not formal methods of trying to submit paperwork or become a part of the bankruptcy process in order to get the loan repaid.

MR. MALTZ: Yes. The effort to get paid was through Mr. Shelly as an informal sort of request.

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And that's how the request was made and at that point after, there was no request made. After Mr. Shelly.

MS. GRAYS: Just one follow-up question – I'm sorry, Mr. Raskin –

MR. RASKIN: – I'm sorry. Go ahead, Taa.

MS. GRAYS: No worries. A follow-up question. So, the lawyer, Ms. Penachio said that she felt pressured. So, you have someone who hadn't called her even though she knew her socially, who brings up this conversation about her client, right? Mr. Natrella was her client, is that correct?

MR. MALTZ: Um-hum. That's correct.

MS. GRAYS: Okay. And Ms. Penachio felt that the judge, who she knew was a judge who never called her before was trying to get her to do something or persuade her client to do something as it relates to that transaction that they had, at least that is the way that Ms. Penachio felt. So, why do you think that her impression was incorrect?

MR. MALTZ: Well, first of all –

MS. GRAYS: – Well, why does Judge Jamieson think it's incorrect? My apologies, that Judge Jamieson believes it's incorrect?

MR. MALTZ: Right. The, first of all we

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argue in our brief that the fact that Ms. Penachio felt pressured is irrelevant. Totally irrelevant. She had no case before the judge, she had nothing she didn't expect to have a case before the judge. Whether she felt pressured or not, she said she felt pressured by Mr. Shelly 'cause he said I want a confession of judgment. She's an experienced lawyer of twenty years in bankruptcy court. Why did she feel pressure? Is that even credible. But to the point that I think you might have asked about earlier, Ms. Grays, is that you have to separate the call and the recusal. Counsel and Mr. Mo would like to conflate them. They're completely separate. At the call there was no leverage. There was no ability for Justice Jamieson to do anything to Ms. Penachio. And that happened in August/September. In January, a recusal motion was made. And to Mr. Stromes point, there was nothing before the judge. But the judge didn't want to deal with all the hyperbole in the affirmation. Read that affirmation. That affirmation could have been one paragraph. My client has a debt to the judge. Judge would have to recuse. It would have been granted and we would have been done. Look at that affirmation in a public filing, how she goes after the judge. Why? Because

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it was strategic. Because her co-counsel filed a Motion to Reargue a default from two years earlier. Look at the timeline. Look at my analysis of that of that timeline, the affirmation and the recusal is totally separate from the call and when it was made and how it was made.

JUDGE MILLER: Counsel, I had a question.

MR. MALTZ: Sure.

JUDGE MILLER: What's the motive of this lawyer to lie in front of the Commission?

MR. MALTZ: Thank you very much for that question. I wanted to get to that –

JUDGE MILLER: – Because basically you're saying the referee believed the attorney and did not believe your client. She found her not credible. This is one of the more important points. The lawyer testified that your client asked her to leave the debtor, the debt off of the petition and the judge affirmatively denied that. So, now you have two diametrically opposed statements. What is the attorney's incentive, literally to perjure herself in front of the Commission?

MR. MALTZ: That's a great question and it goes to what Mr. Stromes argued about. Once she filed that affirmation, once she made and committed

1 to those statements, she was committed to those
2 statements. Is she now going to change her
3 testimony at the hearing and have an affirmation
4 saying one thing and her testimony under oath
5 saying another? There's no way. She testified she
6 reviewed the affirmation before the hearing. How
7 could she possibly change her testimony and not be
8 consistent? It's perjury. But let me go a step further
9 —

10 JUDGE MILLER: — Your position is that she
11 lied in the affirmation?

12 MR. MALTZ: She exaggerated, she misled.
13 Let me give you a line, I wanted to go through this
14 and I wasn't going to have time, I didn't think. She
15 said in her affirmation to a court, the Appellate
16 Division, the Appellate Division assigned Judge
17 Jamieson to the case after the appeal. That was a lie.
18 The Appellate Division decision which is in the
19 record never assigned that to Justice Jamieson. She
20 did that in the affirmation because strategically she
21 filed that Motion to Recuse for a purpose. She said
22 and she testified in the *Neilson* litigation, it was — my
23 co-counsel asked that it be re-calendared pending
24 matters. He never did that. That's a lie. She said I
25 don't know if the judge said I'm going to appoint the

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referee. I'm talking now in January when the order assigned the referee to discovery. That is a lie. She requested and consented to the request for a referee.

JUDGE FALK: Mr. Maltz, did she say effectively remanded it or did she say the Appellate Division remanded it in her case?

MR. MALTZ: She said the Appellate Division did. If you look at her testimony, she said the Appellate Division did and I took out the Appellate Division order and I said where is that? And she didn't have an answer for that. She also said, I don't remember if the judge wouldn't sign the initial order which was not signed because there was no notice on motion. She said that in her affirmation. Another lie. And I could go on and on. Look at her testimony on pages 174, 175 about whether she didn't think the case would come back to Justice Jamieson. She had to rationalize it, justify her position and she went back and forth until I showed her affirmation and I said you said in your affirmation it wasn't coming back to the judge. And she finally acquiesced. And I could go on and on about the inconsistencies in Ms. Penachio's testimony. And you don't have to judge credibility to look at these inconsistencies and see Anne

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Penachio had a purpose in her testimony, be consistent with her affirmation and make herself look like she was not lying in the affirmation and not lying now.

I would finish up because I only have one minute. And again, as pointed out, the alleged motive for hiding the loan, such things as an oil delivery man giving a formal written business plan is so ridiculous I don't know where to start. Missing the entire picture of what this is about, a friendly loan. But if this Commission does not sustain or does not make findings regarding the Vincent Natrella issue and even the false testimony issue, I ask that it not be made public. Because if the allegations go out there and you find that she did not report, which she did not, and you don't find it was for an illicit motive and those allegations get out in the public, to quote a famous case, where does she go to get her reputation back? I respectfully request that there is no evidence to support those allegations and that they not be made public. Thank you.

MR. BELLUCK: Mr. Maltz, just before the judge addresses us, can I just clarify or does the judge concede that there was misconduct with respect to the failure to file?

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MR. MALTZ: Absolutely. She has from day one.

MR. BELLUCK: Okay. And it's your position that the sanction should be a private letter of caution for that misconduct?

MR. MALTZ: Correct.

MR. BELLUCK: Okay.

MR. MALTZ: If you want to know the reason, I can tell you the reason, Judge Belluck in just a minute. And the reason is the failure to file, the failure to properly disclose things in the form, in the Ethics Commission forms sometimes bring admonitions. But if you look at those cases many or most of them also had additional misconduct. So, it's my position, I can't find letters of caution, they are not reported as you well know and so I was forced to back into this and say well, admonitions are given in these types of non-disclosure cases please give the letter of caution, and that's where I come out.

MR. BELLUCK: Okay, thank you. Good morning, Judge –

MR. RASKIN: – Mr. Belluck –

MR. BELLUCK: – Yeah?

MR. RASKIN: I have a quick question of Mr.

1 Maltz. Mr. Maltz, could you explain how the
2 interaction between Judge Jamieson and Mr. Shelly
3 resulted in a reach out by Mr. Shelly to resolve this
4 matter?

5 MR. MALTZ: Sure. They were friends and he
6 was in her chambers on a non-business friendly hello
7 kind of thing and Justice Jamieson had called Mr.
8 Natrella to say hey I'd like to get paid and he didn't
9 respond. So, in that conversation, and I'm not
10 testifying this is all the testimony, Mr. Raskin, the
11 judge says you know this Mr. Natrella won't return
12 my calls. And Mr. Shelly volunteered and he said
13 let me call. Let me try. Let me see if I can get the
14 money for you or a judgment for you. And that's
15 how it came about.

16 MR. RASKIN: And Mr. Shelly did not testify
17 at the hearing, correct?

18 MR. MALTZ: He did not.

19 MR. RASKIN: Thank you very much.

20 MR. MALTZ: Sure.

21 MR. BELLUCK: Good morning, Judge.
22 Thank you for being here with us today. You have
23 ten minutes to address the Commission.

24 MR. MALTZ: Mr. Belluck, can I take a two-
25 minute break to speak to my client off the record?

1 MR. BELLUCK: Absolutely.
2 MR. MALTZ: Okay. Thank you. I don't,
3 Richard, can we go into a break out room or –
4 MR. KEATING: – Sure.
5 MR. MALTZ: I'm just going walk out the
6 room. I'll just walk out of the room if that's okay
7 with everybody? I'll just go into the hallway.
8 MR. BELLUCK: Yeah. Yeah. Just walk out
9 of the room.
10 MR. MALTZ: Okay. Thank you.
11 MR. KEATING: To not over complicate
12 things, I'm just going to stay on the record.
13 MR. BELLUCK: That's fine.
14 MR. RASKIN: Rich, is there a way when, it
15 was hard for me to see Mr. Maltz's face closely. I
16 would certainly be interested in observing Judge
17 Jamieson closer if that's possible. We seem to be
18 seeing her in a distance. There you go. Is that
19 something you could do?
20 MR. KEATING: I think that's fine, right?
21 Everyone okay with that?
22 MR. BELLUCK: Yeah, just make sure the
23 judge is notified that we are doing that.
24 MR. KEATING: Okay.
25 MR. RASKIN: Thank you very much.

1 MR. KEATING: Mr. Maltz and Judge
2 Jamieson, I want to let you know that I spotlighted
3 your video so everyone could see you guys better.
4 There was some –
5 MR. MALTZ: – Oh, that’s helpful because
6 you can’t see the judge’s face. So that’s helpful,
7 Richard, thank you.
8 MR. KEATING: And we are still on the
9 record here.
10 MR. MALTZ: Okay. Everybody’s left? I
11 could see Mr. Raskin but I can’t see anybody else.
12 MR. BELLUCK: No. We are all still here.
13 MR. KEATING: We’re all here. The most
14 recent talker will show up on the screen.
15 MR. MALTZ: Got ya. Got ya. Richard, or I’d
16 ask –
17 JUDGE JAMIESON: – Can I just say, Mr.
18 Raskin, I am looking at you. Do you see me? Oh, I
19 can’t hear you. I’m sorry.
20 MR. MALTZ: We can’t hear you, Mr. Raskin.
21 MR. KEATING: He put himself on mute.
22 MR. RASKIN: I apologize, Your Honor. I do
23 see you clearly. And I see Mr. Maltz and the other
24 folks. I hope you can see everybody else cause –
25 JUDGE JAMIESON: – Can’t see anybody.

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We only see you –

MR. MALTZ: – We can only see you, Mr. Raskin. We see your face in a huge TV screen.

MR. RASKIN: I have sympathy for both of you.

MR. BELLUCK: Mr. Maltz, did you want to say something before we start?

MR. MALTZ: Yes. I, you know, and I am standing up and I apologize –

JUDGE JAMIESON: – Should I stand? –

MR. MALTZ: – Wait, wait, wait one second. So, the virtual part of this is really hard as for all of us and particularly Judge Jamieson. I'd like to make it so you can see her face. Because you are going to be judging her credibility too. And so, I would say to the judge, can you sit in this seat over here right in front of them? I want them to see –

JUDGE JAMIESON: – I don't know that that's going to be any –

MR. MALTZ: – Is that going to be any better?

JUDGE JAMIESON: I don't know.

MR. MALTZ: I feel terrible because she's being face-to-face with all of you –

JUDGE JAMIESON: – No, this is (INAUDIBLE) –

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MR. MALTZ: – All right, just sit over there.

MS. GRAYS: We can see you. Judge Jamieson, I apologize. If you sat in the front chair, we could see you, right?

MR. BELLUCK: Yeah. And we could see you –

JUDGE JAMIESON: – Can you see me here?

MR. BELLUCK: We can see you where you are seated there. Just –

MS. YEBOAH: – I cannot see her.

MR. RASKIN: She just needs a light on her face.

MR. BELLUCK: Yeah. Just –

MR. MALTZ: – Yeah. Unfortunately, this is the lighting. It's pretty lit in here. That's what, I want you to see her face only because you are going to be judging her credibility.

MR. BELLUCK: Okay.

MR. MALTZ: Can I –

MR. BELLUCK: – We get it. We get it. Can I just say something to the people watching this? Okay? There are two functions in Zoom. There's what's called the gallery view which shows all the little boxes of everyone at the same time and then there's an active speaker view which shows only the

1 person speaking. So, if you want to switch between
2 those, if you switch to the active view you'll get a
3 much bigger picture and better view of the judge, then
4 if you are in the gallery view, which is all the little
5 boxes.

6 MR. KEATING: It's usually up in upper right
7 corner.

8 JUDGE MAZZARELLI: I have done that. I
9 have switched to speaker view, but I cannot see her
10 because on the right side of my screen there are
11 pictures of three of the Commission members.

12 MR. MALTZ: Oh.

13 MR. BELLUCK: Judge, do you want to move
14 to the chair right in the center of the table that Mr.
15 Maltz set up?

16 MR. MALTZ: Yeah. Why don't you try to sit
17 here.

18 JUDGE JAMIESON: Should I sit here?

19 MR. MALTZ: Yeah.

20 MR. BELLUCK: We can only see sort of
21 waist up any way. So, -

22 MR. MALTZ: - Is that better for everybody,
23 Mr. Belluck?

24 JUDGE MAZZARELLI: I can see it now, yes.

25 MR. BELLUCK: Yeah, I think that's much

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better. Yeah. Okay. Go ahead, judge.

MR. MALTZ: Can I just ask one more question before we start? The only person I see is Judge Raskin and I understand, of course, how gallery works. But is that, Richard, is that on my end or your end that the only person I could see is Mr. Raskin?

MR. BELLUCK: It's on your end.

MR. MALTZ: It's on our end?

MR. KEATING: That's on your end.

MR. BELLUCK: You have to switch your Zoom from gallery, from active to gallery.

MR. MALTZ: Okay. Let me see if I can do that. No.

MR. BELLUCK: So, Judge, why don't you get started while -

MR. MALTZ: - Okay. -

MR. BELLUCK: - Mr. Maltz is doing that.

MR. MALTZ: Okay.

JUDGE JAMIESON: I can't see any of you. I only see Mr. Raskin but just it's been very hard and this is hard to convey my sincerity and my honesty but I'm going to try the best.

I'm sixty-seven years old. I'm a single mom. I have three kids, two of which are lawyers in the White Plains area. I was admitted to practice law in 1980. I

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practiced for approximately eighteen and a half years
and then I have been a judge for the last twenty –

MR. MALTZ: – Did I shut everybody off?

MR. BELLUCK: Nope.

MR. MALTZ: Hello? Can you see us?

MR. KEATING: We are here.

MR. MALTZ: Okay.

MR. BELLUCK: We hear you and see you.

MR. MALTZ: Okay.

JUDGE JAMIESON: I can't see anyone but I
am just talking to a black screen. But I have never
been disciplined as an attorney or as a judge and my
entire career has been dedicated to the fair
administration of justice and to make both the legal
profession better by mentoring and teaching and
trying to be the best example I am for everybody. I
made the most terrible mistake. I am so embarrassed
that I did it and I just didn't refer the loan and for me
it has been so horrible because it's affected me both
professionally, socially, career-wise, everything. And
physically as well. Nicky, Nicky was like my
significant other's brother. He was a close, close
family friend of mine. He was younger. He is
younger. He is a young guy and was very close to us
and we had a wonderful relationship. His kids called

1 me aunt, they called Joe. Joe and he spoke every
2 single day. Constantly. They were close, close
3 friends and almost like family members. And because
4 of this, I think I just didn't even think about reporting
5 it. And it was stupid because I really never took those
6 forms that seriously. Now I do. I have, you know,
7 gone through and I have amended because I wanted to
8 make sure that they were accurate. Just an aside,
9 there were some – I saw some mention that you said
10 that I amended it in 2015 and why did I do that? Well
11 I did that because I was in the Commercial Division
12 and there were cases coming in that involved
13 corporations, shareholders and I felt that I should
14 reveal whatever stocks I had, really whatever I had I
15 should put out there so that everybody could see it,
16 you know, in case there was a problem. In fact, I had
17 a case in front of me in which I told them that I own
18 \$25,000 worth of shares in this particular corporation
19 and did anyone want me to recuse because it involved
20 that corporation. I put it on the record as I would
21 normally do and we went forward. But I've made the
22 stupidest mistake of my life and to me at the time it
23 was a great investment. I was investing in Nicky. I
24 was investing in Joe. I was investing in myself. It
25 was Joe's person that he worked with in jobs and they

1 continued to do jobs after I made the loan to him.
2 They worked, you know, together. They
3 complemented each other. Nicky was a terrific
4 serviceman. He's terrific at what he did. And Joe
5 was an installer. The person that would devise the
6 systems that went into homes and buildings. And
7 Nicky was the one that would execute many things.
8 And he was looking to run a service business up in an
9 area that was remote and that needed it. By remote, I
10 mean in the, you know, the five counties above us.
11 Because he, you know, those were areas that didn't
12 have full-service, full service oil companies. I had
13 nothing to hide. This was never done for anything,
14 anything but helping. Helping both me, Joe and
15 Nicky. And I understand now how critical the
16 reporting is and how accurate I must do reporting and
17 filing, and I've amended my return, you know, my
18 filings to show it. But honestly, once it was told to
19 me that if he's filing bankruptcy, to me, it was
20 extinguished. It was gone. I didn't make any claims
21 because, to me, I wasn't getting anything. That was
22 not the purpose. Honestly –

23 JUDGE MILLER: – Judge, it's Judge Miller.
24 Can I ask you a question?

25 JUDGE JAMIESON: Sure.

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JUDGE MILLER: In terms of the form, how did you fill it out each year? Did your secretary –

JUDGE JAMIESON: – My secretary –

MR. MALTZ: – Wait –

JUDGE MILLER: – I just want to ask the question. Just give me one – did your secretary prepare it from the prior –

JUDGE JAMIESON: – Yeah –

JUDGE MILLER: – Just give me, if you could just explain a bit the process by which you do because we all are familiar. Everybody does it in a different way and I was curious about how you went about doing the form each year?

JUDGE JAMIESON: Okay.

JUDGE MILLER: If you can clarify that, judge.

JUDGE JAMIESON: Okay –

MR. MALTZ: – Let him ask the question.

JUDGE JAMIESON: I’m sorry. I can’t see him. All I can see is Mr. Raskin.

JUDGE MILLER: That’s okay. My voice, it sounds like it’s from afar. Don’t worry about it. It’s just – I apologize. I don’t want to go on gallery ‘cause then I would lose you. But let me see, maybe I won’t.

1 JUDGE JAMIESON: Well, initially, my
2 husband would prepare it. He was a CPA. I never got
3 involved. All the stuff on it was really his stuff
4 because I was really, you know, I was not the one that
5 had all the investments or did things of that nature.
6 But then, after that, I would give it to my secretary.
7 She, he or she would pull up, he, always he, most
8 recently, he would pull up the old one and then I
9 would give him my statements from all my financial
10 institutes at the end of the year and he would just
11 change the amounts. Because that's really, it was not,
12 I'm not a sophisticated broker, you know, out there
13 changing. I would just, had things in funds and I had
14 one brokerage firm I dealt with and he would just, you
15 know, change the category of how much it was. I
16 really focused on what, what was coming in. Like
17 that I thought that it should be, you know, showing
18 how much money I had, that that's what they were
19 interested in. I really didn't fully understand or really
20 appreciate what, what it was. So, I prepared and I
21 amended it. And I did it despite what Richard said on
22 all of them going back because I didn't know what to
23 do.

24 I really felt like I should just set the record
25 straight. That I have nothing to hide. I have nothing

1 to hide. I, for me I gave the reasons for the reasons I
2 told you, and I can't, never, never in my wildest
3 dreams would I think that it would be made out that I
4 had did some kind of political payoff to Vincent
5 Natrella who was a dear friend as well. He, he
6 supported me like he supported everybody that he
7 appreciated and thought would be good. Like he was
8 one person in the whole realm of it all. He was the
9 conservative leader years before in Westchester
10 County. I ran in five counties. And I was not a
11 conservative. I was republican. I was running on the
12 republican line. It wasn't my own party. I'm not
13 saying that his support wasn't helpful, he was always
14 helpful. But he would never have expected any fee
15 from anybody and I have never taken any money or
16 anything of value or any job or anything to anybody
17 who politically supported me. I never did. And I
18 never would. It's not right.

19 Look, cash, everybody says cash. I had cash. I
20 was going through a divorce for years. I saved cash.
21 My mom gave me cash. And I would and I still have
22 bought my watches by cash. I never, it wasn't to
23 avoid taxes as Mr. Mo says. I had a jeweler who
24 would get discounts on watches. We would go to that
25 vendor and that vendor did not take anything but cash

1 or a bank check. So, for me that was how I was
2 paying. They would not take credit cards. Honestly I
3 would prefer giving credit cards because I could get
4 the points but I never, I never paid that way. I was
5 going to buy myself after my divorce the watch, a
6 gold watch. And I had been saving up for a long time.

7 But when Joe came to me and said this about
8 Nicky and him working and wanting to be able to, he
9 thought Nicky's job, you know, this idea was great.
10 He really touted it. We talked about it. Nicky was, I
11 knew to be a wonderful serviceman because he had
12 been in my home for years and all those things like
13 my forever breaking boiler. But he, you know, he was
14 great. And it would have worked. And it was
15 working. And I didn't want, I never got any, you
16 know, payments because I didn't ask for payments.
17 That was not my intention. But if I had gotten a
18 payment, I probably would have then. That would
19 have triggered something for me now because I would
20 have been reporting the income. But I didn't get any
21 payments and I didn't make it. I wanted him to get
22 his job going. I wanted him to get his business
23 successful. And that's all I cared about. But in
24 hindsight, it was the stupidest thing I ever did. I have
25 worked so hard with my reputation and to have it

1 destroyed, to be here in front of you asking for your
2 forgiveness for something I did so stupidly. I can
3 only say I am totally embarrassed by this whole thing.

4 I have to say that my call to Anne was because
5 Anna died. I wanted Anne because weeks before I
6 had visited Anna, who was a close friend, former
7 client and a client of Anne's. And then I knew this.
8 And Anne, we talked about it. And Anne had come to
9 my house for the memorial and actually brought
10 Anna. So, I knew that they were close. And when I
11 saw Anna at the nursing home, she said to me that you
12 and Anne are my guardian angels. In my mind it feels
13 like I found out from a friend that Anna died that I
14 was so distraught and upset that I did not hear about
15 it. And my first person was to call Anne. And that's
16 all it was. As soon as I made that telephone call we
17 started to talk. She brought up the loan. She said to
18 me, I didn't know, I didn't know. I said, it is what it
19 is. And that was it. I never discussed repaying it,
20 giving it, avoiding bankruptcy. I didn't discuss any
21 bankruptcy with her. Because honestly, why would I?
22 She's the expert. Once I heard Nicky was filing
23 bankruptcy, I just said fine. It's, you know, it's a
24 done deal. To my mind, I would never, ever have
25 given, made any statement to her. I don't understand

1 if she could have conflated my talking to her with Mr.
2 Shelly talking to her. I have no idea. I have really no
3 idea why she would think things other than she had to
4 stick to her story. And frankly, I never said anything.
5 I was so upset about Nicky and I told her so. I told
6 her how disappointed I was. I couldn't get to him. I,
7 you know, that he had a child with somebody and she
8 was, she said oh well he has all these debts and what
9 nots and I said but he's not supporting his kids
10 because I had spoken to her, his wife that he was
11 going through the divorce with and there was now the
12 new kid that was coming along and she knew how
13 upset I was with him. And, she basic, I just said to
14 her and I knew he also had a fee, a fellow attorney for
15 the divorce work that had come up along because she
16 was a friend of mine and she had mentioned
17 something to me because she knew how close I was to
18 Nicky. And, I said to Anne at that point, just make
19 sure you get paid. That's really what I was concerned
20 with. Just that he wouldn't take advantage of her
21 because honestly I felt like he'd been taking
22 advantage of me by not calling me and not reaching
23 out.

24 It's been a terrible thing. I hope –

25 MR. MALTZ: – Mr. Belluck, we can't see

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how much time Justice Jamieson has left.

MR. KEATING: You're on mute, Mr. Belluck.

MR. RASKIN: Joe, you're on mute.

MR. BELLUCK: I'm sorry, your time's expired. It's about three minutes over.

JUDGE JAMIESON: Can I say a few more things? I just want to –

MR. BELLUCK: – Yeah, sure.

JUDGE JAMIESON: I would never, ever engage in a payoff scheme. And I would never lie under oath. And that's what's most upsetting to me because all these years I've been in the law profession. I never lied. I never misled anybody. I never had any complaints against me. I value my reputation so much because it's so important to me to have a good reputation and promote, and promote our system of justice. Promote it by having that reputation. I've been actively involved in everything I could possibly be in with attorneys. I've been in bar associations, past president of the Westchester Bar, past president of the White Plains Bar. I don't, I don't know how this has come about like this. I have to tell you that I, I would never lie. I have not lied. I made a terrible, stupid mistake and for this I think I should be

1 disciplined but removal and censure is not what is
2 asked for. I am asking to be cautioned privately so
3 that I can continue to grow in the justice that I do and
4 have people believe in me as a judge because I think
5 to have this out there it would affect me personally as
6 a judge as well as my position –

7 MR. BELLUCK: – Judge, could I, could I just
8 briefly –

9 JUDGE JAMIESON: – I'm sorry –

10 MR. BELLUCK: – No, it's okay. Could I,
11 could I just briefly ask you one question?

12 JUDGE JAMIESON: Yes.

13 MR. BELLUCK: Do you have an
14 understanding as to why Mr. Shelly asked that the
15 loan not be listed on the bankruptcy petition?

16 JUDGE JAMIESON: No idea. I don't, he's
17 not, he wasn't a bankruptcy attorney. I don't know.
18 That was not what Mr. Shelly was doing. He just,
19 well he was just to get in contact with him. I have no
20 idea why he would have asked that.

21 MR. BELLUCK: Okay. Thank you, Judge.
22 Mr. Maltz, do you feel the need to say anything
23 further?

24 MR. MALTZ: I have just, I don't want to
25 waste the Commission's time. I do have just a few

1 minutes, if you don't mind. But and again I don't
2 want to waste time. Can I take a five-minute break
3 again? I'm trying to get my tech person. I can't see
4 anybody except Mr. Raskin. I can't see how much
5 time I have. And, I'd like to see everybody's faces.
6 Can you give me five minutes for that, Mr. Belluck?

7 MR. BELLUCK: Yes. Just, you know, point
8 out that we, you know, there were a couple of
9 additional minutes added to your time. We had
10 questions and we let the judge go about four to five
11 minutes over.

12 MR. MALTZ: Fair enough.

13 MR. BELLUCK: So, I would say to you, you
14 know, unless –

15 JUDGE MILLER: – Mr. Maltz, just go to your
16 computer up in the right-hand corner press view, press
17 gallery, and you will see all of us.

18 MR. MALTZ: I know, the problem is –

19 JUDGE JAMIESON: – I'm going to try to do
20 it for him. I'm much better –

21 JUDGE MILLER: – It's all you have to do.

22 JUDGE JAMIESON: I'm much better at this
23 than he is.

24 JUDGE MILLER: All right, then, maybe
25 Judge, you try to do it.

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JUDGE JAMIESON: Because I've just spent the last weeks/months of my life –

MR. MALTZ: – And I'll proceed –

JUDGE JAMIESON: – I want to thank you all.

MR. MALTZ: Oh, there we are! We're gallery. Who – somebody push the button? –

JUDGE JAMIESON: – I don't know. I don't know. –

MR. MALTZ: – I didn't do anything. It wasn't me. Okay.

JUDGE JAMIESON: I want to thank you all for your time and for listening to me and for giving me your time.

MR. MALTZ: Okay, Linda, why don't you step back. Thank you.

And I will not try to be repetitive and I appreciate the five minutes I reserved. And add, Mr. Belluck, I appreciate the courtesy, you being very nice about that.

It's just to pick up a couple of points that were raised by various Commission members. What was asked was, why did Mr. Shelly ask that the loan not be listed on the bankruptcy and just I'm not sure it's completely relevant but the point of the matter is, is

1 that he raised it. Ms. Penachio said you can't do it.
2 And that was that. What was so incredible about Ms.
3 Penachio's testimony is that, one, Ms. Penachio, a
4 practitioner of twenty years in the bankruptcy field
5 said you can't do it. That Judge Jamieson would say I
6 don't care. I don't care if it's a violation of federal
7 law. I don't want you to list it. Is that credible?
8 Don't you have to look at Justice Jamieson's character
9 and her history to know she would never say to Anne
10 Penachio, Ms. bankruptcy expert, I don't care what
11 the law is, I don't want you to list it. It doesn't make
12 sense. It doesn't add up, number one.

13 I don't want to get too much into the motive
14 issue because as pointed out that seems to have
15 subsumed this entire case which I think is a bad thing.
16 Now I just point out that that issue that was raised,
17 was raised for the first time in the post-hearing briefs.
18 They never asked Nick Natrella about it. Who else
19 better to ask? They never asked Justice Jamieson
20 about it, who could respond. So, we are now coming
21 to you for the first time addressing something in a
22 post-hearing brief that we factually could not address.

23 I would like to briefly address, very quickly,
24 the indicia that supposedly was a reflection that the
25 loan, that the loan was hidden. I already addressed

1 the business plan issue that a local delivery man
2 would be able to put together a written business plan.
3 I also would suggest as I say in my brief that a
4 confession of judgment, asking for a confession of
5 judgment is not improper. And, why would you
6 possibly not get a confession of judgment if you
7 could, as opposed to litigating for five years and then
8 have a judgment and be in the same place. But maybe
9 more to the point and why I keep carping on Mr. Mo's
10 findings, because he found that Vincent Natrella
11 secured the election of Justice Jamieson. That's his
12 word, secured. And, why that's relevant and not to
13 beat a dead horse is, it reflects on the whole report.
14 He's making a conclusion with no evidence. There's
15 nothing to say that Vincent Natrella secured the loan,
16 secured the election and that reflects how he
17 approached the report and I think that's relevant.

18 Also relevant to the credibility of the referee
19 which maybe sounds kind of funny, he said, and he
20 found as regards to the *Neilson* litigation and why Ms.
21 Penachio felt pressure, respondent was fully aware of
22 the *Neilson* case which Penachio was one of the
23 attorneys of on record, was on appeal. That's flatly
24 contradicted by the evidence. Flatly contradicted by
25 the evidence he further doubles down on that and says

1 respondent further violated the rules when she made a
2 call knowing that Penachio had a case before her.
3 That's absolutely wrong, by the court system in place
4 at the time, by the testimony of the judge's law
5 secretary and by the testimony of the judge, and in
6 fact, the testimony of Anne Penachio. These are just
7 reflections of why you have to be critical of Mr. Mo's
8 findings.

9 I have forty-two seconds left and I think that I
10 will just, I have a lot more to say but I obviously I
11 won't. So, I will –

12 MR. BELLUCK: – Mr. Maltz, can I, Mr.
13 Maltz, can I just ask you one question?

14 MR. MALTZ: Sure.

15 MR. BELLUCK: When did the judge's
16 relationship with Mr. Natrella take a turn?

17 MR. MALTZ: Well, I think that what
18 happened was the money was lent and things were
19 going okay and this is in the record. I'm not
20 testifying. At some point Justice Jamieson found out
21 that Nick Natrella was having problems. He wasn't
22 paying child support, as she says, testified, wasn't
23 supporting his children. He was getting divorced. He
24 had a child with another person, not his wife. So, she
25 was hearing the problems rumbling. And that's when

1 she reached out to him. So, from the time of the loan
2 to the time she heard these problems, things were kind
3 of quiet and she was really relying on Joseph Rende,
4 Mr. Natrella's good friend, to sort of manage it, to
5 make sure things were going okay. So, it was a
6 couple of years when nothing was really done and I
7 guess they were hoping that Nick Natrella would
8 ultimately comply and make payment.

9 MR. BELLUCK: And this is the same person
10 that the judge just described to us as being almost like
11 family and almost like a relative and involved with
12 her family members? So, my question was at which
13 point did that relationship change that there was a
14 difference? Could you fix a point in time for us on
15 that?

16 MR. MALTZ: Could I ask you, Mr. Belluck to
17 have my client answer that? It might be more
18 appropriate. I mean, I could try but –

19 MR. BELLUCK: – If she wants to, absolutely.

20 MR. MALTZ: You can sit there and just
21 testify from there.

22 JUDGE JAMIESON: Okay. Well, I think –

23 MR. MALTZ: – You got to speak up though.

24 JUDGE JAMIESON: I'm sorry. I think that
25 the time that it started to get bad was when Nicky's,

1 his relationship with his wife was going badly and I
2 didn't hear from him. We didn't see him. Joe had
3 really no connection with him. We kept trying to
4 reach, I mean Joe was trying to reach out with, to him.
5 And he just went into head spin. I don't know if it
6 was after his dad died, after his mom died. Whatever
7 it was, things went awry, and I didn't hear from him
8 and we couldn't get him. And it was, and then I
9 would hear these things from his, his wife because I
10 would run into her periodically. And that's when it
11 started. Exact time, I can't tell you. Maybe, I can't.

12 MR. MALTZ: If you can't tell, you can't tell.

13 MR. BELLUCK: Thank you, both. You are,
14 the time has expired. Mr. Maltz, I want to thank you
15 for your presentation and Judge, thank you for your
16 presentation. Mr. Stromes, do you want to use any of
17 your five minutes?

18 MR. STROMES: Just briefly, Mr. Belluck.

19 Just a few quick points, if I may. Respondent,
20 the respondent during her statement talked in detail
21 about the reasons for amending her FDFs from 2012
22 to 2013. Of import, when asked about those
23 amendments at the hearing, respondent testified she
24 didn't know if she amended her 2012 and '13 FDFs.
25 And when Commission counsel showed them to her

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and was (INAUDIBLE) she was asked again, her response was, I guess so. That shows a deliberate effort to avoid and evade, as the referee found. She, at the hearing, was admitting what she had to admit and denying or claiming ignorance of everything else.

During her statement today, she talked about knowing that she should never make any sort of political payoff and would never do that. That's obviously wrong. And Mr. Maltz said that's that had never even been an issue before the post-hearing briefs. In fact, respondent was cross-examined about this at the hearing over Mr. Maltz's objection and this is pages 498 to 502 of the record. Respondent was asked repeatedly by Commission counsel do you believe that a \$50,000 loan to the relative of a politician who helped you during your campaign should be reported to the public? And for five pages respondent said, I don't know, I can't answer, I don't understand. There's nothing there to not understand. The answer is yes. That has to be reported and this is yet another instance that reflects negatively on her credibility and wholly supports the referee's determination that her testimony was evasive and contrived and was not to be credited.

Respondent discussed her judicial record and

1 talked about how she wants to continue to serve the
2 public. As this Commission said very recently in
3 *Matter of Miller*, “While there is [*sic*] indication in the
4 record that respondent is an effective judge, our
5 mandate is to protect the integrity of the courts. It is
6 not to evaluate the effectiveness of a judge.” Here,
7 the way to protect the integrity of the courts in the
8 face of this referee’s report and the reasonable
9 conclusion that he drew, and in the face of the obvious
10 inference that respondent’s conduct was intentional
11 and the lack of candor she demonstrated at the hearing
12 before the referee, the Commission should remove
13 respondent. Thank you.

14 MR. BELLUCK: Thank you, Mr. Stomes.
15 This concludes the hearing in the *Matter of Linda S.*
16 *Jamieson*. Again, I want to thank counsel for their
17 presentations.

18 MR. MALTZ: Thank you, Mr. Belluck.
19 Thank you, Commissioners.

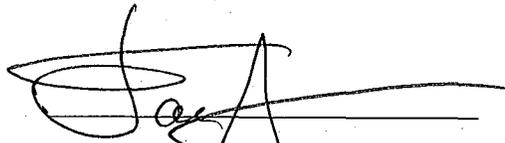
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22 (Whereupon the oral argument was concluded
23 at 12:11 PM.)
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CERTIFICATION

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 December 9, 2021.

Dated: January 27, 2022



JACQUELINE AYALA