

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

THOMAS QUINONES,

DETERMINATION

a Justice of the Supreme Court,
Westchester County.

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Stefano Cambareri, Esq.
Brian C. Doyle, Esq.
Honorable John A. Falk
Honorable Robert J. Miller
Nina M. Moore, Ph.D.
Marvin Ray Raskin, Esq.
Honorable Anil S. Singh
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Mark Levine and Vickie Ma, Of
Counsel) for the Commission

Richard E. Grayson for respondent

Respondent, Thomas Quinones, a Justice of the Supreme Court,

Westchester County, was served with a Formal Written Complaint (“Complaint”) dated May 15, 2024 containing three charges. Charge I of the Complaint alleged that in 2022, respondent voluntarily prepared two Character Reference Letter forms, in which he indicated his occupation as a Supreme Court Justice, in support of pistol license applications filed with the Westchester County Department of Public Safety by two family friends. Charge II alleged that on August 20, 2022, respondent initiated, engaged in, and considered improper *ex parte* communications with the plaintiff’s attorney in a matrimonial case that was pending before him. Charge III alleged respondent failed to file his 2021 financial disclosure statement with the Ethics Commission for the Unified Court System (“Ethics Commission”) by May 15, 2022, or to seek an extension of time to do so, contrary to the requirements of the Rules of the Chief Judge (22 NYCRR Section 40.2).¹ Respondent filed an Answer dated June 27, 2024.

On August 16, 2024, the Administrator, respondent’s counsel and respondent entered into an Agreed Statement of Facts (“Agreed Statement”) pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending

¹ After the Ethics Commission sent him a Notice to Cure and then a Notice of Delinquency, respondent filed his financial disclosure statement on August 23, 2022.

that respondent be admonished and waiving further submissions and oral argument.

On September 19, 2024, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent was admitted to the practice of law in New York in 1990. He has been a Justice of the Supreme Court, Westchester County, since 2022. Respondent's current term expires on December 31, 2035.

As to Charge I of the Formal Written Complaint

2. In 2022, respondent voluntarily prepared two Character Reference Letter forms, in which he indicated his occupation as a Supreme Court Justice, in support of pistol license applications filed with the Westchester County Department of Public Safety on behalf of family friends Michael Rafferty and Laurence Cheatham.

Regarding Michael Rafferty

3. Respondent has known Michael Rafferty since Mr. Rafferty was a child. Respondent's daughter was a close childhood friend of Mr. Rafferty's sister, and the two families have remained in touch through the years.

4. In June 2022, at the request of Mr. Rafferty's sister Caitriona, respondent agreed to serve as a character witness in support of Mr. Rafferty's application for a pistol license.

5. On June 14, 2022, respondent completed and signed a Character Reference Letter form for Mr. Rafferty, in which he indicated his occupation as “Justice Sup. Ct.” and described Mr. Rafferty as “a personal and family friend.”

6. Respondent gave the letter to Mr. Rafferty, who submitted it to the Westchester County Clerk Pistol Licensing Division.

Regarding Lawrence Cheatham

7. Respondent has known Laurence Cheatham since Mr. Cheatham was in high school. Mr. Cheatham and respondent’s son were friends, and over the years, Mr. Cheatham became a friend of respondent and his family.

8. In 2022, at Mr. Cheatham’s request, respondent agreed to serve as a character reference in support of Mr. Cheatham’s application for a pistol license.

9. On October 13, 2022, respondent completed and signed a Character Reference Letter form for Mr. Cheatham, in which he indicated his occupation as “Supreme Court Justice.” The letter described Mr. Cheatham as a “very thoughtful, kind and caring young man” whom respondent had known for “close to twenty years.”

10. Respondent gave the letter to Mr. Cheatham for submission to the Westchester County Clerk Pistol Licensing Division.

11. In November 2022, respondent became aware that judges are prohibited from voluntarily serving as character witnesses, and on November 18,

2022, he sent a letter to the Westchester County Clerk Pistol Licensing Division, rescinding the reference letters he had provided for Mr. Rafferty and Mr. Cheatham. At the time, Mr. Cheatham had not yet submitted his completed application to the Licensing Division, and at respondent's request, he did not submit the reference respondent had provided him.

As to Charge II of the Formal Written Complaint

12. On August 20, 2022, respondent initiated, engaged in, and considered improper *ex parte* communications with Mitchell Lieberman, the plaintiff's attorney in a matrimonial case that was pending before him.

13. In 2022, respondent presided over *Allison Cooper Cohen v Jacques Cohen*, a contested matrimonial matter. Mitchell P. Lieberman and John O. Farley represented the plaintiff, Stuart P. Slotnick represented the defendant, and Tiffany Gallo was appointed attorney for the children.

14. On August 17, 2022, respondent's court attorney at the time, Edit Shkreli,² conducted a case conference at which the parties, Mr. Farley, Mr. Slotnick and Ms. Gallo were present. Subsequent to the conference, respondent learned from Ms. Shkreli that Mr. Farley had become contentious during the conference.

² In January 2024, Ms. Shkreli took office as an elected judge of the New York City Civil Court, serving in Bronx County.

15. On August 19, 2022, Supreme Court Justice Lewis Lubell (Westchester County) asked respondent to his chambers and said he had become aware of a problem involving Ms. Shkreli during the August 17th conference conducted by Ms. Shkreli in the *Cohen* case. Judge Lubell suggested that respondent insulate Ms. Shkreli from handling any cases involving Mr. Lieberman or his firm, and that respondent should speak to Mr. Lieberman to work things out.

16. On Saturday, August 20, 2022, respondent sent a text message to Mr. Lieberman that read, “Hey Mitch, this is Tom Quinones. I had a conversation with Judge Lubell last evening. Please let me know when you have a few minutes to chat.”

17. Mr. Lieberman telephoned and spoke with respondent later that day. Respondent told Mr. Lieberman that he had learned of the August 17th conference conducted by Ms. Shkreli, that he had spoken with Judge Lubell about the matter, and that pursuant to Judge Lubell’s guidance, he would be insulating Ms. Shkreli from all of his and his law firm’s cases.

18. Respondent did not disclose to the parties, defense counsel or the attorney for the children that he had spoken to Judge Lubell on August 19th or Mr. Lieberman on August 20th. Respondent did not discuss the substance of the case with any of the parties or attorneys.

As to Charge III of the Formal Written Complaint

19. Pursuant to Part 40 of the Rules of the Chief Judge (22 NYCRR Section 40.2), respondent is required to file a financial disclosure statement with the Ethics Commission by May 15 of each year with respect to his finances for the previous calendar year.

20. Respondent did not file his 2021 statement by May 15, 2022.

21. The Ethics Commission sent, and respondent received, a Notice to Cure dated June 23, 2022, notifying him of his failure to file his 2021 financial disclosure statement. Notwithstanding the notice, respondent did not file his 2021 statement.

22. Thereafter, the Ethics Commission sent, and respondent received, a Notice of Delinquency dated August 23, 2022, notifying him that his continued failure to file his 2021 financial disclosure statement subjected him to disciplinary action. Respondent filed his 2021 financial disclosure statement the same day that he received the Notice of Delinquency.

23. Respondent filed his 2021 financial disclosure statement on August 23, 2022, more than three months after it was due, and on the same day the Notice of Delinquency was issued to him.

24. Since August 23, 2022, respondent has timely filed his two subsequent financial disclosure statements. Respondent avers he has every

intention of making timely filings for the balance of his tenure as a judge.

Additional Factors

25. Respondent was new to the bench when he engaged in the conduct herein, having assumed the Supreme Court bench on January 1, 2022.

26. Upon becoming acquainted with the applicable rules, advisory opinions and Commission decisions that constrain judges with regard to providing character references, he rescinded the letters at issue in Charge I.

27. Respondent acknowledges as to Charge II that his communications with Mr. Lieberman, and his reliance on what Judge Lubell told him, were improper and should have been disclosed to all the other attorneys and parties.

28. Respondent has been forthright, cooperative and contrite throughout the Commission's inquiry.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.2(B), 100.2(C), 100.3(B)(6) and 100.3(C)(1) of the Rules Governing Judicial Conduct ("Rules") and should be disciplined for cause, pursuant to Article VI, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charges I through III of the Formal Written Complaint are sustained insofar as they are consistent with the above findings and conclusions and respondent's misconduct is established.

Respondent's actions were inconsistent with his obligations to maintain high standards of conduct and to "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." (Rules, §§100.1, 100.2(A)) The Rules, with limited exceptions not applicable here, prohibit a judge from initiating, permitting or considering *ex parte* communications about a pending matter. (Rules, §100.3(B)(6)) In addition, the Rules provide that "[a] judge shall not lend the prestige of judicial office to advance the private interests of the judge or others . . ." and that "[a] judge shall not testify voluntarily as a character witness." (Rules, §100.2(C)) Respondent violated his ethical obligations when he completed the two Character Reference Letter forms, in which he identified himself as a judge; engaged in improper, undisclosed *ex parte* communications in the *Cohen* matter and failed to timely file his 2021 financial disclosure statement.

The Court of Appeals held in *Matter of Lonschein*, 50 NY2d 569, 571-572 (1980), "no Judge should ever allow personal relationships to color his conduct or lend the prestige of his office to advance the private interests of others." It is well-established that a judge is not permitted to voluntarily serve as a character witness including by preparing and signing a Character Reference Letter form in support of a pistol license. *Matter of Aronian*, 2023 Ann Rep of NY Commn on Jud Conduct at 92, 98 ("Respondent violated his ethical obligations when he completed the two

Character Reference Letter forms, in which he identified himself as a judge.”) In addition, in 2010, the Advisory Committee on Judicial Ethics opined that a judge “should not serve as a character reference for a friend who is applying for a pistol permit.” *Adv. Op.* 10-17. When respondent signed such forms for two family friends, he violated his ethical responsibilities.

In addition, respondent violated Section 100.3(B)(6) of the Rules when he initiated and had *ex parte* communications with plaintiff’s counsel in the *Cohen* matter. Moreover, respondent exacerbated his misconduct when he failed to disclose his *ex parte* communications. “Even ‘brief and unsolicited’ *ex parte* communications must be disclosed to the parties.” *Matter of Carter*, 2021 Ann Rep of NY Commn on Jud Conduct at 71, 79.

When he did not file his 2021 financial disclosure statement in a timely manner, respondent failed to comply with his important financial disclosure obligations and failed to “diligently discharge” his administrative duties in violation of the Rules. *Matter of McAndrews*, 2014 Ann Rep of NY Commn on Jud Conduct at 157, 162. Respondent failed to file his 2021 financial disclosure statement on time and failed to file even after receiving a Notice to Cure. It was only after he received a Notice of Delinquency that respondent filed his 2021 financial disclosure statement.

In accepting the jointly recommended sanction of admonition, we have taken into consideration that respondent has acknowledged that his conduct was improper and warrants public discipline. We trust that respondent has learned from this experience and in the future will act in strict accordance with his obligation to abide by all the Rules Governing Judicial Conduct.

By reason of the foregoing, the Commission determines that the appropriate disposition is admonition.

Mr. Belluck, Ms. Grays, Judge Camacho, Mr. Cambareri, Mr. Doyle, Judge Falk, Mr. Raskin, Judge Singh and Ms. Yeboah concur.


Professor Moore votes to not accept the Agreed Statement on the ground that a private letter of caution is the appropriate disposition.

Judge Miller did not participate.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: October 3, 2024



Celia A. Zalmer, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct