

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

KATHLEEN L. ROBICHAUD,

a Judge of the Rensselaer City Court,
Rensselaer County.

DETERMINATION

THE COMMISSION:

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

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and Kathleen E. Klein, Of
Counsel) for the Commission

Honorable Kathleen L. Robichaud, *pro se*

Respondent, Kathleen L. Robichaud, a Judge of the Rensselaer City Court, Rensselaer County, was served with a Formal Written Complaint (“Complaint”) dated March 15, 2022 containing one charge. The Complaint alleged that from March 2019 to April 2021, in seven different courts in Rensselaer, Albany and Rockland Counties, respondent lent the prestige of her judicial office to advance the private interests of her client J.P. in that respondent used an email address on court filings and legal correspondence that identified her as a judge and, in one instance, attested to Mr. P’s signature on a document she filed with the court on which she crossed out the words “Notary Public” and identified herself as “City Court Judge.” Respondent filed an Answer dated April 22, 2022.

On July 15, 2022, the Administrator 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 that respondent be censured and waiving further submissions and oral argument.

On August 11, 2022, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent has been a Judge of the Rensselaer City Court, Rensselaer County, since January 1, 1996. Respondent’s current term expires December 31, 2025. She was admitted to the practice of law in New York in 1990.

2. At all times relevant to this Complaint, respondent served as a part-time judge and was permitted to engage in the private practice of law.

3. Respondent is not and, at all times relevant to this Complaint, was not a licensed Notary Public.

As to Charge I of the Formal Written Complaint

4. At all times relevant to this charge, respondent used the email address “judgeklr@. . .” as her personal email address.

5. At all times relevant to this charge, J. P. was known personally to respondent as her niece’s boyfriend.

6. In February 2019, respondent agreed to represent J.P. in connection with an effort to clear his driver’s license, which had been suspended due to his failure to respond to traffic tickets in various courts in Albany, Rensselaer and Rockland Counties. Subsequently, respondent also agreed to represent Mr. P in Rensselaer County Family Court in connection with a child support and custody matter.

7. On March 14, 2019, in connection with her representation of Mr. P, respondent filed Notices of Appearance with the Guilderland Town Court, Knox Town Court and Stony Point Town Court. On each of those Notices of Appearance, respondent listed her email address as “judgeklr@. . .” Copies of

these Notices of Appearance are annexed as Exhibits A, B and C, respectively to the Agreed Statement.

8. On March 20, 2019, in connection with her representation of Mr. P, respondent filed a Notice of Appearance with the Bethlehem Town Court. On that Notice of Appearance, respondent listed her email address as “judgeklr@. . .” A copy of this Notice of Appearance is annexed as Exhibit D to the Agreed Statement.

9. On May 15, 2019, in connection with her representation of Mr. P, respondent sent a letter to the Guilderland Town Court, listing her email address as “Judgeklr@. . .” A copy of the letter is annexed as Exhibit E to the Agreed Statement.

10. On June 3, 2019, in connection with her representation of Mr. P, respondent filed Notices of Appearance with the Sand Lake Town Court and the Watervliet City Court. On those Notices of Appearance, respondent listed her email address as “judgeklr@. . .” Copies of these Notices of Appearance are annexed as Exhibits F and G, respectively to the Agreed Statement.

11. On September 13, 2019, in connection with her representation of Mr. P, respondent filed a Consent to Change Attorney in the Sand Lake Town Court. Where the Consent form required the attestation of Mr. P’s signature by a Notary Public, respondent crossed out the words “Notary Public” and wrote the words,

“City Court Judge,” beneath her signature. A copy of the Consent to Change Attorney is annexed as Exhibit H to the Agreed Statement.

12. On September 16, 2019, in connection with her representation of Mr. P, respondent filed a Notice of Appearance with the Rensselaer County Family Court. On that Notice of Appearance, respondent listed her email address as “judgeklr@. . .” A copy of the Notice of Appearance is annexed as Exhibit I to the Agreed Statement.

13. On September 9, 2020, April 15, 2021, and April 16, 2021, respondent communicated with the Support Magistrate hearing Mr. P’s matter and with opposing counsel in the Rensselaer County Family Court via the email account identifying her as “judgeklr@. . .” Copies of this email correspondence are annexed as Exhibit J to the Agreed Statement.

Additional Factors

14. Respondent has been cooperative throughout this inquiry.

15. Respondent maintains that since 2014, she has assisted only three clients (including Mr. P) with legal matters, all on a *pro bono* basis, and the Administrator has no evidence to the contrary. Since the Commission’s inquiry, respondent has ceased engaging in the private practice of law altogether, although she remains a member of the New York State Bar.

16. Respondent avers that she has created a new email address for her personal use, which does not contain any reference to her judicial status.

Respondent has replaced her prior email address with the new one, including on her New York State Attorney Registration listing, and avers that she will no longer use a personal email address that refers to her judicial office.

17. With respect to respondent's attestation of her client's signature on a Consent to Change Attorney, respondent avers that she erroneously believed she could witness and sign such a form as a judge in lieu of being a notary public. She now understands that any reference to her judicial title in the course of representing a private legal client was improper. Respondent also appreciates that someone else should have attested to her client's signature, because as the subject of the Consent document, respondent was neither an independent third party nor disinterested in the transaction.

18. Respondent has familiarized herself with Commission determinations in which judges were found to have improperly notarized documents or referred to their judicial status in email addresses that were used for personal business, including *Matter of Lustyik*, *Matter of Sullivan* and *Matter of McGuire*.

19. In recommending Censure as opposed to Admonition in this case, the Administrator considered the foregoing facts and that respondent should have had

heightened sensitivity to her ethical obligations because she had been admonished previously.

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) and 100.2(C) 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. Charge I of the Formal Written Complaint is sustained insofar as it is consistent with the above findings and conclusions and respondent’s misconduct is established.

Respondent acted in a manner that was inconsistent with her 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 specifically provide that “[a] judge shall not lend the prestige of judicial office to advance the private interests of the judge or others. . . .” (Rules, §100.2(C)) When respondent used her judicial title in her email address that she used on Notices of Appearances and emails she submitted to several courts, she lent the prestige of her judicial office to benefit the private interests of her client. In addition, respondent improperly used her judicial title on a Consent to Change Attorney form she filed with the Sand Lake Town Court in connection with her representation of Mr. P.

As the Court of Appeals held in *Matter of Lonschein*, 50 N.Y.2d 569, 572 (1980), “[m]embers of the judiciary should be acutely aware that any action they take, whether on or off the bench, must be measured against exacting standards of scrutiny to the end that public perception of the integrity of the judiciary will be preserved.” Judges have been disciplined for using their judicial title in their personal email address used for personal business. *Matter of McGuire*, 2021 NYSCJC Annual Report 131, 193. In addition, judges have been disciplined for using their judicial title when improperly acting as a notary. *Matter of Sullivan*, 2018 NYSCJC Annual Report 247, 256. Here, respondent inappropriately used her judicial title in her personal email address that she used on seven Notices of Appearances she filed on behalf of her client as well as on other legal correspondence. Respondent filed these notices in seven different courts, including in the county in which she serves as a judge. Respondent also used her email address, which identified her as judge, to communicate with the Support Magistrate in Rensselaer County who was handling Mr. P’s matter as well as with opposing counsel in that matter. By using her judicial title in this way, respondent violated the Rules and lent the prestige of her office to benefit her client.

With respect to the sanction to be imposed, respondent’s prior discipline is an aggravating factor. *Matter of Doyle*, 23 N.Y.3d 656, 662 (2014). Given her prior admonition by the Commission, respondent should have been attentive to her

obligation to comply with the Rules. *Id.*

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

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

Mr. Belluck, Ms. Grays, Judge Camacho, Ms. Corngold, Judge Falk, Judge Mazzairelli, Judge Miller, Mr. Raskin, Mr. Rosenberg, Mr. Seiter and Ms. Yeboah concur.

CERTIFICATION

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

Dated: August 24, 2022



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