



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

June 17, 2021

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Village Justice in Suffolk County Resigns While Under Investigation for Shoving an ADA and Other Misconduct

Ellen D. Fishkin, a Justice of the Head of the Harbor Village Court, Suffolk County, resigned while under investigation by the New York State Commission on Judicial Conduct for shoving a prosecutor and other alleged misconduct.

The Commission apprised Judge Fishkin in April 2021 that it was investigating complaints alleging that she: (1) shoved or pushed a Suffolk County Assistant District Attorney (ADA) outside her courtroom, while court was in session and the courtroom was full of lawyers, litigants, and others; (2) accused a different ADA of being “anti-Semitic” when the ADA would not offer a lenient plea to an associate of the judge’s husband in a Vehicle and Traffic Law (VTL) matter; (3) inappropriately turned court audio recording equipment on and off in the middle of court proceedings; (4) presided over and took pleas in VTL matters without an ADA present; (5) locked the court while she was away to prevent the Associate Village Justice from presiding over matters in her absence; and (6) exhibited inappropriate demeanor on the bench and in interactions with Suffolk County prosecutors, other attorneys and litigants.

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In May 2021, the Commission apprised Judge Fishkin that it was also investigating a new matter brought to its attention concerning an audit of the court's finances by the Office of the State Comptroller.

Judge Fishkin, who left office on May 6, 2021, agreed never to seek or accept judicial office at any time in the future. The Commission accepted a stipulation to that effect signed by the judge and the Commission's Administrator and closed its investigation.¹

Judge Fishkin waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's order accepting it and closing the case would be public.

Judge Fishkin, who is an attorney, had been a Justice of the Head of the Harbor Village Court since 1996. Her current term would have expired on April 3, 2023.

The stipulation and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“The allegations against Judge Fishkin were multiple and serious, particularly the complaints that she shoved one prosecutor and derogated another who would not show favoritism to an associate of the judge's husband. Under the circumstances, Judge Fishkin's departure from office is appropriate.”

Statistics Relating to Prior Commission Decisions

The Commission has accepted 107 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 278 determinations of admonition against judges in New York State, 339 determinations of censure and 175 determinations of removal.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 of which were removals, six

¹ The Stipulation was signed on May 17, 2021. The Commission accepted it and issued an order closing the matter on June 10, 2021.

were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

In the proceedings before the Commission, Judge Fishkin represented herself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Mark Levine, Deputy Administrator in Charge of the New York City office; and Staff Attorney Daniel Davis. Investigator Christina Partida was assigned to the case.

Background Information on Judge Fishkin

First Took Office:	1996
Current Term Expires:	April 3, 2023
Year Admitted to NYS Bar:	1992

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The stipulation and order are attached. They are also available for inspection during regular business hours at the Commission's three offices:

61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Hon. Fernando M. Camacho	Chief Judge Janet DiFiore	March 31, 2024
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2025
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Ronald J. Rosenberg, Esq.	Former Senate Minority Leader John J. Flanagan	March 31, 2024
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2025