



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Town Justice in Steuben County Resigns After Being Charged with Failing to Complete Mandatory Training & Failing to Cooperate

Hornby Town Court Justice Jason Novak (Steuben County) has resigned after being served with formal charges by the New York State Commission on Judicial Conduct for failing for more than a year to attend or complete a judicial training and certification program required of all town and village justices who are not lawyers, and for failing to cooperate with the Commission during its investigation of the matter. Judge Novak, who formally vacated office on June 7, 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 formal proceeding.¹

Judge Novak 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.

¹ The judge was served with a Formal Written Complaint on May 14, 2021. The Stipulation was signed on June 9, 2021. The Commission accepted it and issued an order closing the matter on June 11, 2021.

Judge Novak, who is not an attorney, had been a Justice of the Hornby Town Court since 2020. His term would have expired on December 31, 2023.

The stipulation, the formal charges against him and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov. The formal charges included the following:

- Judge Novak was elected in November 2019 with a single write-in vote.
- He filed his oath of office in February 2020.
- He did not attend any of the three judicial training programs offered by the court system between September 2020 and April 2021, and therefore was not certificated to assume judicial duties.
- He did not hear any cases or draw a judicial salary.
- He failed to respond to four letters from the Commission regarding his training and certification status.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Competence in the law is essential to the role of a judge. A non-lawyer town or village justice may not discharge the duties of office without completing a training and certification program. Judge Novak's failure to do so was compounded by his failure to respond to Commission inquiries and required his departure from office.”

Statistics Relating to Prior Commission Decisions

The Commission has accepted 108 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 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 Novak represented himself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney M. Kathleen Martin. Senior Investigator Betsy Sampson was assigned to the case.

Background Information on Judge Novak

| | |
|-----------------------|-------------------|
| First Took Office: | 2020 |
| Current Term Expires: | December 31, 2023 |

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:

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| 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 |