



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

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### **Town & Village Justice in Wayne County Resigns While Under Investigation**

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Kathy Wachtman, a Justice of the Wolcott Village Court and the Huron Town Court, Wayne County, resigned while under investigation by the New York State Commission on Judicial Conduct.

In January 2024, the Commission apprised Judge Wachtman that it was investigating a complaint alleging that she (A) issued an order of protection in a case that was pending before her co-judge, without notice to the defendant, and (B) amended the prior order of protection, added a protected party and misdated it, creating the false impression that it had been executed and served on the defendant five days earlier.

Judge Wachtman, who was scheduled to give testimony regarding this matter at the Commission on November 6, 2024, resigned from both judicial positions by letters dated August 15, 2024, and 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.<sup>1</sup>

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<sup>1</sup> The Stipulation was signed on October 21, 2024. The Commission issued an order accepting it on October 24, 2024. The judge's resignations are effective December 31, 2024.

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

Judge Wachtman, who is not an attorney, has been a Justice of Wolcott Village Court since 2019, and a Justice of the Huron Town Court since 2013. Her current terms would have expired on September 1, 2025, and December 31, 2025, respectively.

The stipulation and the Commission's order can be found on the Commission's website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

### **Prior Discipline**

In 2019, Judge Wachtman was [censured](#) by the Commission for failing to protect a defendant's due process rights by holding a preliminary hearing in his lawyer's absence. In April 2017, while presiding over a case involving drug and traffic charges, Judge Wachtman denied the defense counsel's request to adjourn the preliminary hearing, which had been rescheduled on short notice, notwithstanding that the defense counsel had an actual commitment in another court. The judge conducted the proceeding in the lawyer's absence, failed to advise the defendant of his rights and made no inquiry as to whether the defendant wished to proceed without counsel. Judge Wachtman then failed to inform the defendant of his rights to cross-examine the prosecution's witnesses, to call his own witnesses and to testify on his own behalf. Belatedly, after already finding reasonable cause to believe that the defendant had committed a felony, Judge Wachtman granted the defendant's request to question the prosecution's witnesses.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

"Apart from the impropriety in changing an order without notice to the defendant and his lawyer, it undermines a judge's integrity to backdate an order, and it creates an untenable *ex post facto* effect, where an individual may be held to account for an act that had not been prohibited when it was committed."

### **Statistics Relating to Prior Commission Decisions**

The Commission has accepted 143 such permanent resignation stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has also issued 285 determinations of admonition against judges in New York State, 352 determinations of censure and 185 determinations of removal.

The Court of Appeals has reviewed 102 Commission determinations. The Court accepted the Commission's sanctions in 86 cases (77 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. One request for review is currently pending.

### **Counsel**

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

The Commission was represented by Deputy Administrator John J. Postel, Senior Attorney M. Kathleen Martin and Senior Investigator Betsy Sampson.

### **Background Information on Judge Wachtman**

First took office:

Huron Town Court

April 2, 2013

Wolcott Village Court

September 1, 2019

Current terms expire:

Huron Town Court

December 31, 2025

Wolcott Village Court

September 1, 2025

### **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.

**MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
Joseph W. Belluck, Esq., Chair	Governor Kathy Hochul	March 31, 2028
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2027
Hon. Fernando M. Camacho	Chief Judge Rowan Wilson	March 31, 2028
Stefano Cambareri, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Brian C. Doyle, Esq.	Senate Minority Leader Robert G. Ort	March 31, 2028
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Nina M. Moore, Ph.D.	Governor Kathy Hochul	March 31, 2027
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Hon. Anil C. Singh	Chief Judge Rowan Wilson	March 31, 2026
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025