



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*June 10, 2024*

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### **Rochester City Court Judge Should Be Admonished for Public Statements Creating an Appearance of Bias**

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The New York State Commission on Judicial Conduct has determined that Rochester City Court Judge Van H. White should be admonished for making various public statements that created an appearance of bias or a lack of impartiality, and for giving legal advice via social media platforms that identified him as a judge.

Judge White agreed to the admonition.

The Commission found that, within a short time after becoming a judge in July 2022, Judge White made statements that undermined public confidence in the integrity and impartiality of the judiciary, as follows:

- Judge White participated in a public rally after a three-year-old boy was hit by a stray bullet, on the same day a defendant was arraigned before another judge. At the rally, Judge White spoke with the media, was identified as a judge and was publicly reported as saying “the names of the victims have changed, but this problem has not.”

- Before arraigning a defendant in a case arising from the shooting of two police officers, and before the guilt of the defendant was established, Judge White asked for a moment of silence and made sympathetic statements about the relatives of the deceased, which were reported in the media.

The Commission also found that Judge White made and posted videos on social media prior to becoming a judge that should have been removed after he became a judge – such as one in which he equated police officers to a “pack of wolves” – because they indicated bias or lack of impartiality. The posts remained on his social media for approximately 10 months after he took the bench.

In its determination the Commission found that “by his statements and actions, [Judge White] violated the Rules and undermined public confidence in his impartiality.” The Commission noted that the judge’s comments prior to the arraignment were “at a time when all defendants are presumed innocent.” Additionally, the Commission stated that “through his personal website and his Facebook page, both of which identified him as a judge, he improperly provided legal advice in violation of the Rules which prohibit a full-time judge from practicing law.”

In accepting the jointly recommended sanction of admonition, the Commission noted that the misconduct took place “shortly after [Judge White] became a judge and that he has committed to being more sensitive to his ethical obligations.”

Judge White has been a Judge of the Rochester City Court (Monroe County) since July 14, 2022. His current term expires on December 31, 2032.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“Public confidence in the courts requires that a judge be and appear impartial and unbiased. It is inconsistent with that mandate for a judge – on or off the bench, in person or via social media – to make gratuitous pronouncements

about cases that are pending, or other statements indicating favor or disfavor toward certain defendants or witnesses likely to appear in court.”

### **The Commission Proceedings**

Judge White was served with a Formal Written Complaint dated November 6, 2023, containing three charges and filed an Answer dated November 27, 2023.

On March 26, 2024, the Administrator of the Commission and Judge White entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on May 2, 2024.

### **The Commission Determination**

The Commission filed a determination dated May 13, 2024, in which 10 members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Judge Fernando M. Camacho, Brian C. Doyle, Esq., Judge Robert J. Miller, Nina M. Moore, Ph.D., Marvin Ray Raskin, Esq., Graham B. Seiter, Esq., Judge Anil C. Singh and Akosua Garcia Yeboah.

One member, Judge John A. Falk, did not participate.

### **Court of Appeals Review**

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. The Commission was notified on June 10, 2024, that Judge White had received the determination. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge White does not request review by the Court of Appeals, the Commission will admonish him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

### **Statistics Relating to Prior Determinations**

Since 1978, the Commission has issued 284 determinations of admonition against judges in New York State. The Commission has issued 183 determinations of removal and 351 determinations of censure.

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.

### **Counsel**

In the proceedings before the Commission Judge White represented himself.

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

### **Background Information on Judge White**

|                                   |                   |
|-----------------------------------|-------------------|
| First Took Office (County Court): | 2022              |
| Current Term Expires:             | December 31, 2032 |
| Year Admitted to the NYS Bar:     | 1990              |

**Members of the Commission**

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

**The Public File**

The determination and other records are available on the Commission's website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

**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  |
| 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  |
| Graham B. Seiter, Esq.         | Assembly Minority Leader William A. Barclay     | March 31, 2025  |
| Hon. Anil C. Singh             | Chief Judge Rowan Wilson                        | March 31, 2026  |
| Akosua Garcia Yeboah           | Former Governor Andrew M. Cuomo                 | March 31, 2025  |