

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

DETERMINATION

RALPH J. EANNACE, JR.,

a Judge of the Utica City Court,
Oneida County.

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Jodie Corngold
Honorable John A. Falk
Paul B. Harding, Esq.
Honorable Leslie G. Leach
Honorable Angela M. Mazzarelli
Honorable Robert J. Miller
Marvin Ray Raskin, Esq.
Ronald J. Rosenberg, Esq.
Akosua Garcia Yeboah

APPEARANCES:

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

Law Offices of Robert F. Julian (by Robert F. Julian) for Respondent

Respondent, Ralph J. Eannace, Jr., a Judge of the Utica City Court, Oneida
County, was served with a Formal Written Complaint dated June 18, 2020, containing

one charge. Charge I of the Formal Written Complaint alleged that despite being cautioned in 2014 for failing to file his 2013 financial disclosure statement in a timely manner, respondent failed to file his 2018 financial disclosure statement with the Ethics Commission for the Unified Court System (“Ethics Commission”) by May 15, 2019, or to seek an extension of time to do so, contrary to the requirements of the Rules of the Chief Judge (22 NYCRR Section 40.2). The complaint alleged that respondent failed to file his disclosure statement until September 4, 2019, after he had received both a Notice to Cure and a Notice of Delinquency from the Ethics Commission.

On August 13, 2020, the Administrator, respondent’s counsel, and respondent entered into an Agreed Statement of Facts 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 admonished and waiving further submissions and oral argument.

On September 17, 2020, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent has been a Judge of the Utica City Court, Oneida County, since 2003. Respondent’s current term expires on December 31, 2023. He was admitted to the practice of law in New York in 1980.

2. Pursuant to Part 40 of the Rules of the Chief Judge (22 NYCRR Section 40.2), respondent is required to file a financial disclosure statement with the Ethics Commission by May 15 of each year with respect to his finances for the previous calendar year.

3. Respondent did not file his 2018 statement by May 15, 2019. Thereafter, the Ethics Commission sent, and respondent received, a Notice to Cure dated July 3, 2019. The Notice to Cure directed respondent to file his 2018 statement within 15 days of July 3, 2019. A copy of the Notice to Cure is appended as Exhibit 1 to the Agreed Statement of Facts.

4. Respondent did not file his 2018 statement in accordance with the Notice to Cure. Thereafter, the Ethics Commission sent, and respondent received, a Notice of Delinquency dated September 3, 2019. A Copy of the Notice of Delinquency is appended as Exhibit 2 to the Agreed Statement of Facts.

5. Respondent ultimately filed his 2018 financial disclosure statement on September 4, 2019, nearly four months after it was due.

6. By letter dated December 18, 2014, respondent had been cautioned by the Commission to adhere to the Rules Governing Judicial Conduct and the requirements of Part 40 of the Rules of the Chief Judge, after he failed to file his 2013 annual financial disclosure statement in a timely manner with the Ethics Commission, resulting in its sending him a Notice to Cure and a Notice of Delinquency. A copy of the caution letter is appended as Exhibit 3 to the Agreed Statement of Facts.

Additional Factors

7. Respondent acknowledges that the prompt and accurate filing of financial disclosure forms is not a mere formality. The information disclosed on the forms is open to public scrutiny so that, for example, a litigant or lawyer may determine whether a judge has a conflict of interest in a matter, subjecting the judge to recusal.

8. Respondent avers that his failure to file his 2018 and 2013 financial disclosure statements in a timely manner resulted from simple oversight on his part. Respondent recognizes that the Commission’s cautionary letter to him in 2014 should have prompted him in subsequent years to file his statements in a timely manner, which he commits to ensure going forward.

9. Respondent has been cooperative and contrite with the Commission throughout this inquiry.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(C)(1) and 100.4(I) of the Rules Governing Judicial Conduct (“Rules”) and should be disciplined for cause pursuant to Article 6, Section 22, subdivision (a) of the Constitution and Section 44, subdivision 1 of the Judiciary Law. Charge I of the Formal Written Complaint is sustained and respondent’s misconduct is established.

Every judge must “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary” and must “diligently discharge the judge's administrative responsibilities.” (Rules, §§100.2(A), 100.3(C)(1)) When he did not file his 2018 financial disclosure form in a timely manner, respondent failed to comply with his important financial disclosure obligations and failed to “diligently discharge” his administrative duties in violation of the Rules. In *Matter of McAndrews*, 2014 NYSCJC Annual Report 157, the Commission held that,

[t]he Legislature and the Chief Judge have determined that financial disclosure by judges serves an important public function, . . . and one of the duties of a judge is to file these

reports promptly. . . .

Respondent's inattention to this important responsibility is inconsistent with his ethical obligation to diligently discharge his administrative duties

Id. at 161, 162 (footnote and citations omitted). Here, respondent failed to file his 2018 financial disclosure form on time and did not comply with his obligations even after receiving a Notice to Cure. It was only after he had received a Notice of Delinquency that respondent filed his 2018 financial disclosure form.

The public has an interest in the timely disclosure of a judge's financial information on the annual financial disclosure form. The Court of Appeals has held that the information provided on a judge's financial disclosure form "is available to the public and, among other things, enables lawyers and litigants to determine whether to request a judge's recusal." *Matter of Alessandro*, 13 N.Y.3d 238, 249 (2009) Accordingly, "[j]udges must complete their financial disclosure forms with diligence, making every effort to provide complete and accurate information." *Id.* In *Matter of Russell*, 2001 NYSCJC Annual Report 121, 122, the Commission held that, "financial disclosure by judges serves an important public function" and repeatedly filing untimely financial disclosure forms with the Ethics Commission constituted misconduct.

Respondent has been a judge since 2003 and accordingly "should be fully familiar with basic procedures of law as well as the ethical rules." *Matter of Edward J. Williams*, 2002 NYSCJC Annual Report 175, 177. Moreover, in 2014, the Commission issued a letter of dismissal and caution to respondent in which he was cautioned to comply with his financial disclosure obligations after he failed to file his 2013 financial disclosure

form in a timely manner. In light of this caution from the Commission, respondent should have been particularly attentive to his financial disclosure obligations and in full compliance with those obligations.

In accepting the jointly recommended sanction of admonition, we have taken into consideration that respondent has admitted that his conduct warrants public discipline and that he has committed to complying with his financial disclosure obligations in the future. We expect that respondent has learned from this experience and in the future will act in strict accordance with his obligation to abide by the Rules Governing Judicial Conduct.

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

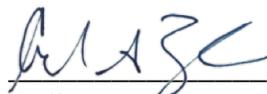
Mr. Belluck, Ms. Grays, Ms. Corngold, Judge Falk, Mr. Harding, Judge Leach, Judge Mazza, Mr. Raskin, Mr. Rosenberg and Ms. Yeboah concur.

Judge Miller did not participate.

CERTIFICATION

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

Dated: September 28, 2020



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