



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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Commission Proposes to Make Formal Proceedings Public, Warns Judges about Social Media and Requests Budget Commensurate to Heavy Caseload

In its 2017 Annual Report, released today by the New York State Commission on Judicial Conduct, the Commission recommended legislation that would make Commission proceedings public at the point when formal charges are served on a judge. The Commission has consistently advocated for this change since 1978.

The Commission also warned of the pitfalls of social media use and reminded judges that, even when using social media, they are bound by the judicial ethics rules.

The Commission reported that it processed 1,944 complaints in 2016, the third-most in its history and 5% higher than the 5-year average. (See chart on following page.) The Commission also conducted 420 preliminary inquiries¹ and authorized 177 full-fledged investigations.

¹ The Commission's rules define an initial review and inquiry as the preliminary analysis, clarification and fact-finding activities intended to aid the Commission in determining whether or not to investigate a particular complaint.

Five judges resigned from office, publicly stipulating never to return to judicial office. Twelve others resigned from office while complaints against them were still pending, but where it had not yet been determined that the judge's permanent departure from office was warranted or appropriate.²

One judge was removed from office, seven judges were publicly censured or admonished, and 23 confidential cautionary letters were issued.

The Report includes summaries and copies of the Commission's 13 public decisions, statistics for the year, overall statistics dating to the Commission's inception in 1978, and commentary on various ethics issues that arise regularly.

The Commission is the New York State government agency responsible for investigating complaints of misconduct against judges of the state unified court system and, where appropriate, disciplining such judges for ethics violations.

The Annual Report is available online at www.cjc.ny.gov.

Comparative Statistics, Judicial Conduct Commission			
	2016	2015	5-Year Average
Complaints	1944	1959	1845
Initial Inquiries	420	469	465
Investigations	177	179	172
Public Decisions	13	16	16
Resignations	17	18	16
Cautions	23	23	23
Pending Year-End	193	203	195

The Commission's Budget

Despite the Commission's rising case load, for the seventh year in a row, the Executive Budget recommended no increase whatsoever – a so-called “flat” budget – for the Commission. The Commission has requested a \$550,000 increase over the proposed \$5,584,000 budget, in order to meet mandated rises in rent and other contractual obligations, to avoid further reductions in staff and services, and

² The Commission notifies judges in such situations that proceedings against them would resume were they to return to the bench.

to meet its constitutional obligations in a timely manner. In 2008 the authorized number of full-time staff was 55. Presently only 45 positions can be filled due to funding constraints. That represents a decline of 18% over nine years. The Commission's staff has been reduced by five in the last three years – from 50 in 2013 to 45 today – or a 10% decline.

1975-2015 Statistics³

Since 1975, the Commission or its predecessors have received 54,380 complaints and conducted 8,846 investigations. Through 2016, 848 judges were disciplined for judicial misconduct, including 169 judges who were removed from office. In addition, 1,585 judges have been confidentially cautioned, and 549 judges resigned while under investigation or formal charges.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Robust enforcement of judicial ethics is essential to maintain public confidence in the integrity and independence of our courts. With relatively constrained resources in recent years, the highly dedicated members and staff of the Commission on Judicial Conduct have met their constitutional responsibilities fairly and effectively. We have processed more complaints, and where appropriate disciplined individual judges, to a degree unmatched throughout the country. In so doing, we have raised the already high standards of the judiciary as a whole and bolstered faith in the courts throughout New York.

“We hope the Governor and Legislature recognize that we are constantly asked to do more with less, and that a modest increase in our funding is essential after years of virtually no growth, so we may discipline ethically errant judges and exonerate the wrongly accused in a timely manner.”

Office Addresses

The Commission's offices are located at the following addresses:

61 Broadway
Suite 1200
New York, NY 10006

Corning Tower, Suite 2301
Empire State Plaza
Albany, NY 12223

400 Andrews Street
Suite 700
Rochester, NY 14604

³ The Commission was constituted in its present form in April 1978, as a result of an amendment to the state Constitution. Its forerunners, including a legislatively-created temporary commission, commenced operating in January 1975, and when they expired their cases were carried over to the current Commission.

Commission Members in 2016

There are 11 members of the Commission on Judicial Conduct. Members, who are appointed by the Governor, Chief Judge and legislative leaders, serve 4-year terms and are eligible for re-appointment.

The following individuals served on the Commission in 2016:

Joseph W. Belluck, Esq., Chair
Paul B. Harding, Esq., Vice Chair
Hon. Rolando T. Acosta
Hon. Sylvia G. Ash (Until 8-11-16)
Joel Cohen, Esq.
Jodie Corngold
Richard D. Emery, Esq.
Hon. Thomas A. Klonick
Hon. Leslie G. Leach (Appointed 9-12-16)
Hon. Terry J. Ruderman (Until 3-31-16)
Richard A. Stoloff, Esq.
Hon. David A. Weinstein
Akosua Garcia Yeboah (Appointed 11-29-16)