



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

61 BROADWAY, SUITE 1200
NEW YORK, NEW YORK 10006

MARISA E. HARRISON
PUBLIC RECORDS OFFICER

646-386-4800 646-458-0037
TELEPHONE FACSIMILE
www.cjc.ny.gov

NEWS RELEASE

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<i>Contacts:</i>	<p><i>Robert H. Tembeckjian, Administrator</i> <i>(646) 386-4800</i></p> <p><i>Marisa E. Harrison, Public Records Officer</i> <i>(518) 453-4614</i></p>
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Washington County Town Court Justice Should be Admonished for Engaging in Out-of-Court Communications

The New York State Commission on Judicial Conduct has determined that James P. Curran, a Justice of the Hebron Town Court, Washington County, should be admonished for improperly receiving information outside of court about an assault case from two individuals who spoke negatively about the defendant, and for conveying the appearance that he was biased against the defendant.

Judge Curran agreed to the admonition.

In 2015, a few months after arraigning a defendant on assault charges and issuing an order of protection, Judge Curran received unsolicited, unsubstantiated information outside court from two individuals claiming that the defendant had violated the order of protection. The judge failed to disclose the communications to the prosecutor and defense counsel. In its determination the Commission stated: “[Judge Curran] was obligated to disclose these out-of-court communications... and to provide the defendant with an opportunity to rebut the information in court.”

Judge Curran compounded the misconduct when he repeatedly reiterated the unsubstantiated information as fact, including a claim that the defendant had repeatedly violated the order of protection, notwithstanding that he had not been charged with such a violation.

In accepting the agreed sanction, the Commission noted that although Judge Curran appeared to accept the *ex parte* information as true, he did not take any punitive action against the defendant for allegedly violating the order of protection, and he acknowledged his wrongdoing.

Judge Curran, who is an attorney, has served as a Justice of the Hebron Town Court since 2012. His current term expires on December 31, 2019.

The Commission Proceedings

Judge Curran was served with a Formal Written Complaint dated June 16, 2017, containing one charge, and filed an Answer dated September 5, 2017.

On October 17, 2017, the Administrator of the Commission and Judge Curran entered into an Agreed Statement of Facts, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on October 26, 2017.

The Commission Determination

The Commission filed a determination dated November 14, 2017, in which all 11 members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Paul B. Harding, Esq. (the Vice Chair), Joel Cohen, Esq., Jodie Corngold, Judge John A. Falk, Taa Grays, Esq., Judge Leslie G. Leach, Judge Angela M. Mazzarelli, Richard A. Stoloff, Esq., Judge David A. Weinstein and Akosua Garcia Yeboah.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge must insure that all parties have a fair opportunity to be heard, which includes the right to hear and challenge evidence on which the court relies. This fundamental obligation of fairness is defeated when a judge engages in private substantive conversation about a case with individuals outside court, fails to advise the parties of it, then appears to rely on it in rendering decision.”

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. Judge Curran received it on November 17, 2017, and the Commission was subsequently notified by the Court of Appeals that service was complete. 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 Curran 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 268 determinations of admonition against judges in New York State. The Commission has issued 170 determinations of removal and 320 determinations of censure.

The Court of Appeals has reviewed 97 Commission determinations. The Court accepted the Commission's sanctions in 81 cases (72 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 Curran represented himself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Cathleen S. Cenci, Deputy Administrator in Charge of the Albany office; and Staff Attorney S. Peter Pedrotty. Senior Investigator Ryan Fitzpatrick assisted in the investigation.

Background Information on Judge Curran

First took office:	2012
Current Term Expires:	December 31, 2019
Year Admitted to NYS Bar:	1992
Other Employment:	Private Law Practice

Members of the Commission

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

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

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, 2020
Paul B. Harding, Esq., Vice Chair	Assembly Minority Leader Brian M. Kolb	March 31, 2021
Joel Cohen, Esq.	Former Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Taa Grays, Esq.	Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2018
Richard A. Stoloff, Esq.	Former Senate President Pro Tem Dean Skelos	March 31, 2019
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2018
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021