



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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St. Lawrence County Town Court Justice Resigns, Ending Inquiry into Misconduct Allegations

The New York State Commission on Judicial Conduct announced that Linda J. Drake, a Justice of the Rossie Town Court, St. Lawrence County, who resigned from office effective May 19, 2017, has 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, her attorney and the Commission's Administrator and closed its formal proceedings.¹

Judge Drake was served with a Formal Written Complaint dated February 16, 2017, containing four charges, alleging that she:

- failed to properly deposit court funds into her court bank account which resulted in a cumulative deficiency of deposits totaling \$3,047.50;

¹ The Stipulation was signed on May 10, 2017. The Commission accepted it on June 14, 2017, and thereafter issued an Order closing the matter.

- deposited \$448 in court funds into the court's bank account and received a \$100 cash withdrawal from those funds in violation of town law, and failed to report or remit the \$100 in funds on her monthly report to the Office of the State Comptroller Justice Court Fund;
- failed to file timely reports to the Justice Court Fund from May 2012 through September 2016; and
- from January 2012 through August 2016, failed to report the dispositions in 615 cases to the Department of Motor Vehicles as required by law.

Judge Drake, who is not an attorney, has served as a Justice of the Rossie Town Court since 1998. Her current term would have expired on December 31, 2017.

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

The stipulation and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov.

Statistics Relating to Prior Commission Decisions

The Commission has accepted 67 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 267 determinations of admonition against judges in New York State, 319 determinations of censure and 170 determinations of removal.

The Court of Appeals has reviewed 96 Commission determinations. The Court accepted the Commission's sanctions in 80 cases (71 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 pending.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement:

“Careful stewardship of funds received by the court, and the timely reporting of case dispositions, are fundamentally important responsibilities of a town justice. Tardy and inaccurate accountings undermine the integrity of the judiciary and the courts. Judge Drake appears to have recognized her fiduciary shortcomings and appropriately chose to step down from office.”

Counsel

In the proceedings before the Commission, Judge Drake was represented by Henry J. Leader, of Case & Leader, LLP, 107 E. Main Street, Gouverneur, New York 13642, (315) 287-2000.

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 Eteena Tadjioqueu. Senior Investigator Ryan Fitzpatrick assisted in the investigation.

Background Information on Judge Drake

First took office: 1998
Current Term Expires: December 31, 2017

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. They are also available for inspection during regular business hours at the Commission's three offices:

<p>61 Broadway Suite 1200 New York, New York 10006</p>	<p>Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223</p>	<p>400 Andrews Street Suite 700 Rochester, New York 14604</p>
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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
Hon. Rolando T. Acosta	Former Chief Judge Jonathan Lippman	March 31, 2018
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
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