



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

*August 15, 2017*

<b>Contacts:</b>	<p><b><i>Robert H. Tembeckjian, Administrator</i></b> <i>(646) 386-4800</i></p> <p><b><i>Marisa E. Harrison, Public Records Officer</i></b> <i>(518) 453-4614</i></p>
------------------	---

### **Livingston County Town Court Justice Resigns after Allegations of Misconduct**

---

The New York State Commission on Judicial Conduct announced that James D. LaPiana, a Justice of the Mount Morris Town Court and the Mount Morris Village Court, Livingston County, who was under investigation for alleged judicial misconduct, has resigned from office effective August 31, 2017, and 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 and the Commission's Administrator and closed its investigation.<sup>1</sup>

Judge LaPiana was apprised by the Commission in June 2017 that it was investigating several complaints alleging that over a two-year period beginning in May 2015, he:

- Failed to follow the law when he engaged in extensive *ex parte* communications with a defendant at arraignment concerning the

---

<sup>1</sup> The Stipulation was signed on August 2, 2017. The Commission accepted it on August 3, 2017, and thereafter issued an Order closing the investigation.

facts of the case and subsequently presided over a non-jury trial in the matter;

- Failed to follow the law when he directed a defendant to enter a local business to pay restitution, in violation of an order of protection; and,
- Repeatedly exhibited discourtesy and other inappropriate demeanor, such as directing an officer to procure duct tape and thereafter repeatedly threatening to tape shut a defendant's mouth.

Judge LaPiana, who is an attorney, has served as a Justice of the Mount Morris Town Court since 2006 and the Mount Morris Village Court since 2010. His current terms would have expired December 21, 2018, and April 5, 2019, respectively.

Judge LaPiana 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](http://www.cjc.ny.gov).

### **Statistics Relating to Prior Commission Decisions**

The Commission has accepted 69 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, 320 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:

“A judge must treat all who come before the court with patience and dignity. A judge should avoid directing a litigant to engage in conduct that would *per force* result in the violation of an Order of Protection. A judge must also avoid unauthorized substantive communications with only one side in a case. While the various allegations against Judge LaPiana were in the investigative stage, we respect that he took responsibility with a stipulated resignation, which closes the Commission’s inquiry.”

**Counsel**

In the proceedings before the Commission, Judge LaPiana represented himself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney David M. Duguay. Investigator Vanessa Mangan assisted in the investigation.

**Background Information on Judge LaPiana**

First took office:	2006
Year Admitted to NYS Bar:	2000
Current Term Expires:	
Mount Morris Town Court	December 21, 2018
Mount Morris Village Court	April 5, 2019
Salary: Town of Mount Morris	\$6,325 (Source: Town of Mount Morris 2016 Budget)

**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
---	---	--

**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 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