



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*June 19, 2017*

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### **Acting Supreme Court Justice Retires, Ending Inquiry into Medical Disability**

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The New York State Commission on Judicial Conduct announced that Daniel J. McCullough, a Judge of the Court of Claims and an Acting Justice of the Supreme Court, 1<sup>st</sup> Judicial District, New York County, who retired from office effective May 29, 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 and the Commission's Administrator and closed its formal proceedings.<sup>1</sup>

Judge McCullough was served with a Formal Written Complaint dated May 9, 2017, containing two charges, which alleged (1) that since April 2014 the judge persistently failed to perform his judicial duties and (2) that the judge should be retired from judicial office because a physical disability has prevented him from properly performing his judicial duties.

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<sup>1</sup> The Stipulation was signed on May 15, 2017. The Commission accepted it on June 14, 2017, and thereafter issued an Order closing the matter.

Judge McCullough has served as a judge of the Court of Claims and an Acting Justice of the Supreme Court since 2010. His current term would have expired on May 29, 2019.

Judge McCullough 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 65 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:

“While the Commission has authority to retire a judge for disability, it would allow any seriously ill judge the opportunity to recover and return to work. By any reasonable standard, however, three years is too long for a judge to be out of work, with no end in sight, while others absorb his caseload. Appropriately, after the matter was brought to our attention, Judge McCullough chose to retire voluntarily, and we wish only the best for him and his family.”

**Counsel**

In the proceedings before the Commission, Judge McCullough was represented by Roger Bennet Adler, Esq., 233 Broadway, Suite 1800, New York, New York 10980, (212) 406-0181.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Mark Levine, Deputy Administrator in Charge of the New York City office; and Senior Attorney Brenda Correa. Investigator Christina Partida assisted in the investigation.

**Background Information on Judge McCullough**

First took office: 2010  
Current Term Expires: 5/29/2019

**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:

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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*June 19, 2017**Page 4***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
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