



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

January 8, 2018

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Chenango County Town Court Justice Should be Censured for Making Basic Procedural Errors and Inappropriate Comments to Litigants

The New York State Commission on Judicial Conduct has determined that Joan M. Kline, a Justice of the Guilford Town Court and a former Justice of the Oxford Town and Village Courts, Chenango County, should be censured. Over a two-year period, Judge Kline made significant procedural errors on such fundamental matters as insuring the right to counsel. She also made inappropriate comments to litigants and engaged in other misconduct in that two-year period.

Judge Kline agreed to the censure. The Commission's decision found as follows.

- Judge Kline failed to properly inform two defendants of their right to counsel, and she denied another defendant's request for an adjournment so she could meet with her attorney.
- Judge Kline failed to properly inform a defendant of the charges and did not provide the defendant a copy of the charges as required by law. She then asked questions that conveyed an appearance of prejudgment and elicited incriminatory responses.

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- In several other cases the judge made injudicious comments conveying the appearance that she had prejudged the matters at hand or would decide future cases against certain defendants not on the merits but on the basis of her annoyance with them.
- Judge Kline disposed of court records before the mandatory retention period had ended.
- Judge Kline held two positions that were incompatible with judicial office when (A) she served simultaneously as both the court clerk and the Acting Village Justice of the Oxford Village Court and (B) she served as a member of the local fire police squad.

In deciding to censure Judge Kline, the Commission noted that “informing defendants of the right to counsel is one of a judge's most important responsibilities at an arraignment, and the failure to do so cannot be excused even in isolated instances.”

The Commission also found that the totality of Judge Kline’s misconduct was “a significant departure from the high standards of conduct required of every judge and reflects adversely on the judiciary as a whole,” though it was not “truly egregious,” which could have warranted removal from office.

Judge Kline, who is not an attorney, has served as a Justice of the Guilford Town Court since 2008. Her current term expires on December 31, 2021. In May 2017, the judge was temporarily assigned as a Justice of the Oxford Town Court and the Oxford Village Court for terms that expired on December 31, 2017.

The Commission Proceedings

Judge Kline was served with a Formal Written Complaint dated July 11, 2017, containing seven charges, and filed an Answer dated August 29, 2017.

On October 17, 2017, the Administrator of the Commission, Judge Kline and her attorney 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 December 7, 2017.

The Commission Determination

The Commission filed a determination dated December 26, 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.

“It is a judge’s duty to insure that fundamental safeguards are met, such as advising litigants of the right to counsel. A judge must also insure that standards of fairness are upheld, such as deciding every case on the merits. Judge Kline failed to meet these and other ethical mandates, but to her credit she admitted it and has taken steps to improve.”

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 Kline received it on January 2, 2018, 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 Kline does not request review by the Court of Appeals, the Commission will censure her 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 321 determinations of censure against judges in New York State. The Commission has issued 170 determinations of removal and 268 determinations of admonition.

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 Kline was represented by Scott Clippinger, 1 West Main Street, P.O. Box 272, Smyrna, New York 13464, (607) 627-6811.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Cathleen 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 Kline

Town or Village Court Justice Positions

Justice of the Guilford Town Court

First took office: 2008

Current Term Expires: December 31, 2021

Acting Justice of the Oxford Village Court March 2013 – July 2016

Temporarily assigned as a Justice of the

Oxford Town and Village Courts: May 16, 2017 – December 31, 2017

Court Clerk Positions

Village of Oxford Court Clerk March 2013 – May 4, 2017

Town of Oxford Court Clerk 2009 – May 4, 2017

Town of Bainbridge Court Clerk 2013 – Present

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