NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Judicial Conduct Commission Releases Annual Report of Activity in 2018

In the Annual Report of its activities in 2018, released today, the New York State Commission on Judicial Conduct reported the following:

- 2,000 new complaints were received and processed – the third highest in its 41-year history.
- 505 preliminary inquiries were conducted.[1]
- 340 full-fledged investigations were undertaken: 167 new ones and 173 carried forward from 2017.
- 2 judges were removed from office for egregious misconduct.
- 12 judges resigned and publicly agreed never to return to judicial office.
- 4 other judges resigned while complaints were pending, where it had not been determined permanent departure from office was warranted or appropriate.[2]
- 5 judges were publicly censured or admonished.

[1] Defined in the Commission rules as the preliminary analysis, clarification and fact-finding activity intended to aid the Commission in determining whether or not to investigate a complaint.

[2] The Commission notifies such judges that proceedings would resume if they return to the bench.

- 20 judges were issued confidential cautionary letters.

The Commission is the New York State government agency responsible for investigating complaints of misconduct against judges of the state unified court system and, where appropriate, disciplining such judges for ethics violations.

The Annual Report is available online at www.cjc.ny.gov.

The statistics for 2018 are on a par with the average over the last five years.

	2018	**5-Year Average**
Complaints	2000	1963
Initial Inquiries	505	500
Investigations	167	163
Public Decisions	19	15
Resignations	16	18
Cautions	20	24
Pending Year-End	206	189

However, the report notes that since 2007, the number of complaints handled by the Commission each year has increased around 25%, while staffing has decreased by 25%, to 38 full-time employees. This means "it takes longer than it should to exonerate judges who are innocent of wrongdoing, and longer to discipline those who are guilty." The number of cases pending at year end rose 19%, from 173 at the end of 2017 to 206 at the end of 2018.

The Commission's Budget

The Commission's current budget is $5,696,000, compared to $5,406,000 in 2010-11. Had it simply kept pace with the state government's rate of growth at 2% per year, the agency's budget today would be $6,416,000. To manage its rising case load, meet mandated increases in rent and other contractual obligations, avoid further reductions in staff and services, and discharge its constitutional obligations

in a timely manner, the Commission has requested a $359,000 increase, in what it hopes is the first of a two-year commitment to bring its funding to $6.4 million.[3]

1975-2018 Statistics[4]

Since 1975, the Commission or its temporary predecessors have received and processed 58,523 complaints and conducted 9,161 investigations. Through 2018, 863 judges were disciplined for judicial misconduct, including 172 judges who were removed from office. In addition, 1,634 judges have been confidentially cautioned, and 584 judges resigned while under investigation or formal charges.

Commentary

In addition to summaries of the year's public disciplines, confidential cautions and statistics, the 2019 Annual Report comments on matters, trends and developments that the Commission has observed through its work. The topics include:

- the requirement that all judicial candidates (for all but the town and village courts) complete a campaign ethics training course;
- the requirement that all judges (except those serving in town or village courts) file annual financial statements in a timely manner;
- the impropriety in delegating uniquely judicial responsibilities;
- the perils of social media; and
- the need for additional assistance to town and village courts justices.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

"Public confidence in the courts requires a judiciary that is both independent and accountable. Year after year, with dwindling resources but dedicated members and staff, the Judicial Conduct Commission has handled an increasing caseload with remarkable results, holding those relatively few judges who misbehave to account, and exonerating those who were wrongly accused."

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[3] See the Commission Administrator's annual budget statement to the Legislature at: http://cjc.ny.gov/General.Information/LegBudgHrg2019-20.JudicialCondComm.Tembeckjian-Statement.pdf

[4] The Commission was constituted in its present form in April 1978, as a result of an amendment to the state Constitution. Its forerunners, including a legislatively-created temporary commission, commenced operating in January 1975, and when they expired their cases were carried over to the current Commission.

Office Addresses

The Commission's offices are located at the following addresses:

61 Broadway Suite 1200 New York, NY 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, NY 12223	400 Andrews Street Suite 700 Rochester, NY 14604

Commission Members in 2018

There are 11 members of the Commission on Judicial Conduct. Members, who are appointed by the Governor, Chief Judge and legislative leaders, serve 4-year terms and are eligible for re-appointment.

The following individuals served on the Commission in 2018:

Joseph W. Belluck, Esq., Chair
Paul B. Harding, Esq., Vice Chair
Joel Cohen, Esq. (Until 3-31-18)
Jodie Corngold
Hon. John A. Falk
Taa Grays, Esq.
Hon. Leslie G. Leach
Hon. Angela M. Mazzarelli
Hon. Robert J. Miller (Appointed 10-5-18)
Marvin Ray Raskin, Esq. (Appointed 4-01-18)
Richard A. Stoloff, Esq.
Hon. David A. Weinstein (Until 3-31-18)
Akosua Garcia Yeboah