



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*December 29, 2020*

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### **Erie County Supreme Court Justice Should Be Censured for Involving Herself in Pending Litigation**

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The New York State Commission on Judicial Conduct has determined that Catherine R. Nugent Panepinto, a Justice of the Supreme Court, Eighth Judicial District, Erie County, should be censured for improperly involving herself and her judicial office on behalf of one of the parties in a pending lawsuit.

Judge Panepinto agreed to the censure.

From January 2018 through March 2018, Judge Panepinto publicly supported the teachers at Buffalo City Honors School (“CHS”) in connection with a lawsuit brought by their union (the Buffalo Teachers Federation) against the Buffalo Board of Education. Her daughter attended the school.

Judge Panepinto admitted to:

- making repeated public comments about the issues and people involved in the litigation, in person, by email and on social media platforms in which she was publicly identified as a judge;
- providing legal information and advice to parents of CHS students;
- signing advocacy letters;

- speaking about the pending and impending lawsuits with Board of Education members;
- joining the Federation’s lawyer in the courthouse and outside the courtroom prior to a case conference; and
- executing an affidavit in support of the Federation’s case, which was attached as an exhibit to court papers.

The Commission found that the judge’s “numerous violations of the Rules [Governing Judicial Conduct] during the relevant three-month period undermined public confidence” and that her conduct “was improper and went beyond appropriate action specifically concerning her personal interest in her daughter’s education.”

Judge Panepinto has been a Justice of the Supreme Court, Eighth Judicial District, Erie County, since 2011. Her current term expires on December 31, 2024.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“It undermines public confidence in the independence of the judiciary and the integrity of the courts for a judge to dispense legal advice in connection with a lawsuit, publicly support one of the parties to the litigation, and invoke her judicial office in the process. To her credit, Judge Panepinto cooperated with the Commission and accepted responsibility for violating the applicable ethics rules.”

### **The Commission Proceedings**

Judge Panepinto was served with a Formal Written Complaint dated January 28, 2020, containing one charge.

On November 18, 2020, the Administrator of the Commission, Judge Panepinto and her attorney entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on December 3, 2020.

### **The Commission Determination**

The Commission filed a determination dated December 9, 2020, in which all eleven members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Jodie Corngold, Judge John A. Falk, Paul B. Harding, Esq., Judge Leslie G. Leach, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., and Akosua Garcia Yeboah.

### **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. The Commission was notified on December 28, 2020, that Judge Panepinto had received the determination. 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 Panepinto 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 338 determinations of censure against judges in New York State. The Commission has issued 175 determinations of removal and 276 determinations of admonition.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 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**

Judge Panepinto was represented by Terrence M. Connors of Connors LLP, 1000 Liberty Building, 424 Main Street, Buffalo, New York 10020, (716) 852-5533.

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. Senior Investigator Vanessa Mangan was assigned to the case.

### **Background Information on Judge Panepinto**

Current Term Began:	2011
Current Term Expires:	December 31, 2024
Year Admitted to NYS Bar:	1998

### **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**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Paul B. Harding, Esq.	Former Assembly Minority Leader Brian M. Kolb	March 31, 2021
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2024
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Ronald J. Rosenberg, Esq.	Senate Minority Leader John J. Flanagan	March 31, 2024
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021