

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

JILL R. EPSTEIN,

DETERMINATION

a Judge of the New York City Civil Court,
Kings County.

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Honorable John A. Falk
Honorable Robert J. Miller
Marvin Ray Raskin, Esq.
Ronald J. Rosenberg, Esq.
Graham B. Seiter, Esq.
Honorable Anil C. Singh
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Mark Levine and Vickie Ma, Of
Counsel) for the Commission

Scalise & Hamilton, P.C. (by Deborah A. Scalise) for respondent

Respondent, Jill R. Epstein, a Judge of the New York City Civil Court,

Kings County, was served with a Formal Written Complaint (“Complaint”) dated June 7, 2023 containing one charge. The Complaint alleged that on April 1, 2022, respondent asserted her judicial status to a school safety officer while attempting to arrange for a double-parked car to be moved. When the owner of the car came out of the school to move it, respondent became angry, cursed at her, and again referred to her judicial status.

On July 13, 2023, the Administrator, respondent’s counsel and respondent entered into an Agreed Statement of Facts (“Agreed Statement”) pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be admonished and waiving further submissions and oral argument.

On July 20, 2023, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent was admitted to the practice of law in New York in 1984. She has been a Judge of the New York City Civil Court, Kings County, since 2019. Respondent’s term expires on December 31, 2028.

2. On April 1, 2022, at the beginning of the school day, around 8:30 AM, respondent was driving to work on Pacific Street, a one-lane, one-way street near a public elementary school. She was unable to drive down the street because she was stopped behind a school bus that was blocked by a double-parked car.

After several minutes, during which the school bus did not move, respondent got out of her car and walked up to the bus driver to ask why he was holding up traffic. The bus driver told her that he could not move past the double-parked car in front of him. At this point, there was a line of cars waiting behind respondent's car that blocked her from backing up to leave the street. Respondent returned to her car and waited several more minutes, during which no one came to move the double-parked car. Respondent then got out of her car and walked into the school.

3. Inside the school, respondent introduced herself as a judge to the school safety officer and handed her a business card. The business card identified respondent by name and as a supervising judge of the Civil Court, Kings County. Respondent told the officer that she had to get to work at the courthouse.

4. Respondent also showed the safety officer photos she had taken with her cell phone of the license plate of the double-parked car, along with a placard displayed on the car's dashboard. Respondent believed the placard contained inconsistent information and therefore asked the safety officer whether the placard was real, as well as if an announcement could be made about the car. She then left the school and waited outside.

5. The double-parked car was owned by a teacher who had been inside the school. When the teacher came outside to move the car, respondent became angry and called her a "stupid bitch." Respondent further stated, in substance, that

she also had a placard but could not use it to double park, and that she had a courthouse to run.

Additional Factors

6. Respondent has been cooperative and contrite throughout the Commission's inquiry.

7. Respondent regrets her misconduct and acknowledges that, notwithstanding her frustration and anger over a minor traffic incident, her vulgarity and references to her judicial status undermined public confidence in the integrity of the judiciary and violated the Rules.

8. As a result of this incident, respondent was also subject to administrative action by her supervisors. In addition, she sent a written apology to the teacher.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.2(C) and 100.4(A)(1) and (2) of the Rules Governing Judicial Conduct ("Rules") and should be disciplined for cause, pursuant to Article VI, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charge I of the Formal Written Complaint is sustained insofar as it is consistent with the above findings and conclusions and respondent's misconduct is established.

Respondent acted in a manner that was inconsistent with her obligations to maintain high standards of conduct and to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” (Rules, §§100.1, 100.2(A)) The Rules require that “[a] judge shall not lend the prestige of judicial office to advance the private interests of the judge. . .” and provide that judges must “conduct all of the judge’s extra-judicial activities so that they do not . . . detract from the dignity of judicial office . . .” (Rules §§100.2(C) and 100.4(A)(2)) Respondent violated these Rules when she unnecessarily provided her business card to the school safety officer, told the safety officer that she needed to get to work at the courthouse, cursed at the teacher and told the teacher that she had a courthouse to run.

Respondent's behavior violated the ethical rules prohibiting judges from lending the prestige of judicial office to advance private interests and requiring judges to observe high standards of conduct both on and off the bench. (Rules, §§ 100.1, 100.2(A), 100.2(C) and 100.4(A)(2)) “Members of the judiciary should be acutely aware that any action they take, whether on or off the bench, must be measured against exacting standards of scrutiny to the end that public perception of the integrity of the judiciary will be preserved.” *Matter of Lonschein*, 50 NY2d 569, 572 (1980) (citation omitted); *Matter of Werner*, 2003 Ann Rep of NY Commn on Jud Conduct at 198, 199 (“[b]y producing a card identifying him as a

judge and handing it to the police officer who had stopped respondent's car, respondent gratuitously interjected his judicial status into the incident, which was inappropriate. ... Respondent's conduct was improper even in the absence of an explicit request for special consideration." (citations omitted)). Here, respondent improperly asserted her judicial status when speaking with the school safety officer and created the appearance that she expected special treatment and deference due to her judicial position. In addition, respondent referenced her judicial status during the same interaction in which she called the teacher a "stupid bitch." Respondent's actions were unbecoming a judge and undermined public confidence in the integrity of the judiciary.

In accepting the jointly recommended sanction of admonition, we have taken into consideration that respondent has acknowledged that her conduct was improper and warrants public discipline, that she sent a written apology to the teacher and that she was subject to administrative action by her supervisors. We trust that respondent has learned from this experience and in the future will act in strict accordance with her obligation to abide by all the Rules Governing Judicial Conduct.

By reason of the foregoing, the Commission determines that the appropriate disposition is admonition.

Mr. Belluck, Judge Camacho, Judge Falk, Judge Miller, Mr. Raskin, Mr.

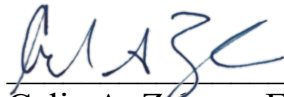
Seiter, Judge Singh and Ms. Yeboah concur.

Ms. Grays and Mr. Rosenberg were not present.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: August 14, 2023



Celia A. Zahner, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct