

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

JENNIFER R. NUNNERY,

a Justice of the Darien Court,
Genesee County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Jennifer R. Nunnery, a Justice of the Darien Town Court, Genesee County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon her to serve the Commission at its Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604, with her verified Answer to the specific paragraphs of the Complaint.

Dated: June 24, 2022
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

To: Hon. Jennifer R. Nunnery
Darien Town Court
10569 Alleghany Road
Darien Center, New York 14040

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

JENNIFER R. NUNNERY,

a Justice of the Darien Court,
Genesee County.

**FORMAL
WRITTEN COMPLAINT**

1. Article VI, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon Jennifer R. Nunnery (“Respondent”), a Justice of the Darien Town Court, Genesee County.
3. The factual allegations set forth in Charges I and II state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).

4. Respondent was admitted to the practice of law in New York in 2015. She has been a Justice of the Darien Town Court, Genesee County, since January 2020. Respondent's term expires on December 31, 2023.

CHARGE I

5. From in or about December 2020 through in or about April 2021, in comments and posts on her Facebook account, Respondent used profane, derogatory, demeaning and otherwise inappropriate language, and revealed having engaged in offensive and otherwise inappropriate behavior, both on matters related and unrelated to her role in the legal system.

Specifications to Charge I

6. Facebook is an internet social networking website and platform that *inter alia* allows users to post and share content on their own individual Facebook pages. Facebook users are responsible for managing the privacy settings associated with their accounts. At the option of the account holder, the content of one's Facebook page – including photographs and textual posts – may be viewable online by the general public or restricted to one's Facebook "friends." If the account holder's privacy settings allow, "friends" may thereafter share the account holder's posts with other permitted Facebook users, ad infinitum.

7. In or about November 2007, Respondent created a Facebook account. From in or around December 2020 through in or around April 2021, Respondent's Facebook account profile included a photograph of Respondent's face and listed her name as "Jennifer Nunnery."

8. On an unknown date after Respondent became a judge, she posted to her Facebook page the following:

"Driving down the mean streets of Batavia after tanning and thought I recognized the ass of one of my favorite marines walking through the Tops parking lot lol 😏 It's been too long! Good to see ya, ya fucking boot! 😊👊"

A copy of the post is appended as Exhibit 1.

9. On or about December 24, 2020, Respondent posted to her Facebook page the following:

"Fuck No the first incoming call from a client on my first day of vacation just came in at 8:56am. Seriously people I have enough work shit to catch up on during my time off, I'm not answering the phones!!!"

A copy of the post is appended as Exhibit 2.

10. On or about March 15, 2021, Respondent posted to her Facebook page the following:

"...You know what's more therapeutic than shopping? Cross examining someone and being absolutely FUCKING AWESOME at ripping them apart on the stand like the baddest bitch there is!!!! #ladyboss #bossbitch BAHAAAAHA!..." (emphasis in original).

A copy of the post is appended as Exhibit 3. This post garnered approximately 57 reactions and 31 comments from Facebook users before Respondent removed it in or about April 2021, after her supervising judge spoke to her about it.

11. On or about March 23, 2021, Respondent posted to her Facebook page the following comments on a re-shared post, originally posted seven years prior:

- A. “Omg everyone was so fucking hungover lol;” and
- B. “I remember drawing a dick on his face when he passed out on the plane lol.”

Copies of the comments are appended as Exhibit 4.

12. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to conduct her extra-judicial activities so as to minimize the risk of conflict

with judicial obligations, in that she failed to conduct her extra-judicial activities so they do not detract from the dignity of judicial office and are not incompatible with judicial office, in violation of Sections 100.4(A)(2) and (3) of the Rules.

CHARGE II

13. From on or about July 1, 2021, through in or about October 31, 2021, through her Facebook account, Respondent improperly endorsed a candidate running for election to judicial office and a candidate running for election to a school board.

Specifications to Charge II

14. In or about 2021, Respondent's Facebook account profile included a photograph of Respondent's face and listed her name as "Jennifer Rae"¹ and/or "Jennifer Nunnery."

15. On or about July 1, 2021, using her Facebook account, Respondent "liked" a page for a candidate running for the position of Buffalo City Court Judge. As a result, a photograph of the candidate appeared on Respondent's Facebook "Likes" pages above the wording, "Carrie Phillips for Buffalo City Court Judge." A copy of the public "like" is appended as Exhibit 5.

¹ Respondent's middle name is "Rae."

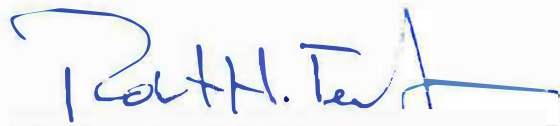
16. Prior to July 1, 2021, using her Facebook account, Respondent “liked” a page for a candidate running for a position on the Alexander Central School District Board of Education. As a result, a campaign advertisement for the candidate appeared on Respondent’s Facebook “Likes” pages above the wording, “Lindsay Bessey for Alexander School Board.” A copy of the public “like” is included in appended Exhibit 5.

17. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and lent the prestige of judicial office to advance the private interests of others, in violation of Section 100.2(C) of the Rules; and failed to refrain from inappropriate political activity, in that she engaged in partisan political activity and publicly

endorsed another candidate for public office, in violation of Sections 100.5(A)(1)(c) and (e) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: June 24, 2022
New York, New York



ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

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

VERIFICATION

JENNIFER R. NUNNERY,

a Justice of the Darien Court,
Genesee County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

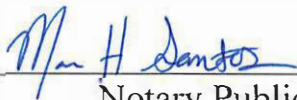
ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.



Robert H. Tembeckjian

Sworn to before me this
24th day of June 2022



Notary Public

MARISA HARRISON SANTOS
Notary Public, State of New York
No. 01SA6424176
Qualified in Albany County
Commission Expires October 25, 2025

10:12 ↗

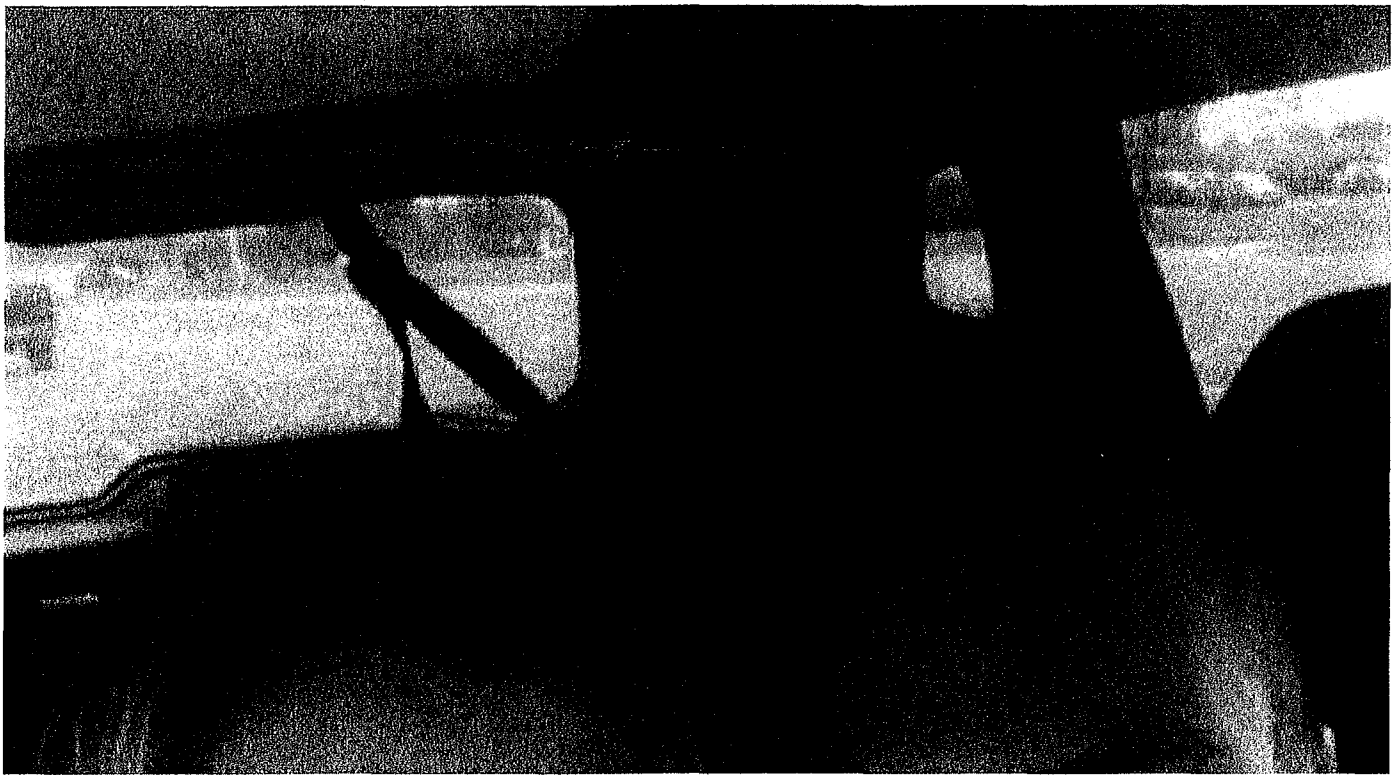
📶 LTE 🔋



Jennifer Nunnery is with Dalton Rarick. ⋮

3d · 🌐

Driving down the mean streets of Batavia after tanning and thought I recognized the ass of one of my favorite marines walking through the Tops parking lot lol 😄 Its been too long! Good to see ya, ya fucking boot! 🤔🤔





Jennifer Nunnery



December 24, 2020 at 8:59 AM · 🌐

Fuck No.... the first incoming call from a client on my first day of vacation just came in at 8:56am. Seriously people I have enough work shit to catch up on during my time off, I'm not answering the phones!!!

👍👍👍 15

12 Comments

👍 Like

➦ Share



Amy Taylor

Jen don't you know attorneys should be available 24/7???? Smh - people are so entitled!

Like · 3w

👍 1



Jennifer Nunnery

I'm waiting for the Christmas day phone calls/voicemails/texts I get every year from parents whose kids are dropped off late wanting me to do something about it on Christmas 🙄🙄

Like · 3w

👍 3



Heidi Sprung DeAngelo

Jennifer Nunnery people are just rude!

Like · 3w

👍 1



Kim Hinkley

Jennifer Nunnery doing well here. I't



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Life Events



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Jennifer Nunnery is 😁 feeling awesome.



18h • 🌐

I got my groove back!!! You know what's more therapeutic than shopping? Cross

examining someone and being absolutely
FUCKING AWESOME at ripping them apart
on the stand like the baddest bitch there
is!!!! #ladyboss #bossbitch BAHHAHAHA!
That is the best I have felt in days and was
way more fun than it should have been! ❤️
❤️ ❤️


   Jenn McPhee and 56 others 31 Comments



 Like

 Share



Jennifer Nunnery 

2d • 

Thanks mama (Janet Hephner) for coming
over and hanging with the kids and I. They
loved seeing their Nana. I love you!!!  

11:07 ↗



Jennifer's Post



1h Like

1 🤔



Jennifer Nunnery

Omg everyone was so fucking hungover lol

1h Like



Gabriella Isabella

Me and Matt were still drinking on the ride to the airport and then when Matt joked to security that he had drugs on him, and the 85 year old woman next to him goes don't worry me too 🤔

1h Like

2 🤔



Jennifer Nunnery

Gabriella Isabella OMG I forgot about the drug thing LOL

1h Like



Jennifer Nunnery

I remember drawing a dick on his face when he passed out on the plane lol

1h Like

1 😂



Gabriella Isabella

Jennifer Nunnery thats hilarious! All I remember is getting told we couldn't sit next to each other because we needed to go to sleep

1h Like

1 😂



Jennifer Rae

Coffee Connoisseur. Fur Momma. Kitten



Jennifer Rae

+ Add Friend

Message



Likes

All Likes

Movies

TV Shows

Artists

Books

Athletes

People



Jana Pauls Ministries



Fishtales Hideaway



Herbalty Cottage



Nancy Rose Ministries



Bistro 93



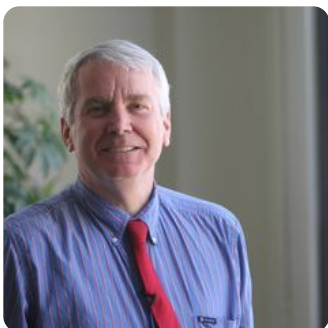
Center for Mindful Practice at Niagara University



Carrie Phillips for Buffalo City Court Judge



Genesee County for CASA Children, Inc



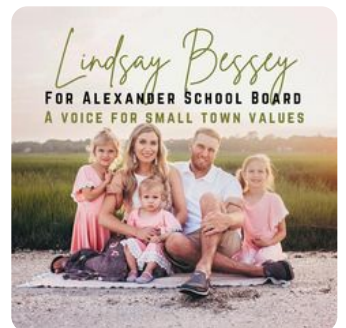
Gary Craig



Yoga with Elena



Thirteen Monkeys



Lindsay Bessey for Alexander School Board

